

Independence Roadway Improvement Project



Environmental Assessment with Finding of No Significant Impact/Initial Study With Mitigated Negative Declaration

Improve U.S. Route 395 from KP 113.1 to 122.5 (PM 70.3/76.1) in the vicinity of the town of Independence, from 4.3 kilometers (2.7 miles) south of Mazourka Canyon Road to 0.6 kilometer (0.4 mile) north of Shabbell Lane in Inyo County

09-INY-395

KP 113.1 to 122.5 (PM 70.3/76.1)

09-214800

June 2004



GENERAL INFORMATION ABOUT THIS DOCUMENT

This document is an Environmental Assessment with a Finding of No Significant Impact and an Initial Study With Mitigated Negative Declaration. The Finding of No Significant Impact indicates that the Federal Highway Administration has found that this project would have no significant impacts to the environment. The Mitigated Negative Declaration indicates that the California Department of Transportation has determined that any impacts could be mitigated to a "less than significant" impact.

This document examines the potential environmental impacts of alternatives for the proposed project located in Inyo County, California. The document describes why the project is being proposed, alternative methods for constructing the project, the existing environment that could be affected by the project, potential impacts from each of the alternatives and the suggested mitigation measures. Project Alternative 2b has been selected as the preferred alternative because it minimizes impacts to the community and meets the purpose and need.

A previous version of the document—an Initial Study/Environmental Assessment—was circulated to the public and public agencies from June 2, 2003 to August 2, 2003. The comments and responses are provided in Appendix I of this document. In addition, Appendix J was added containing a copy of the concurrence of the State Office of Historic Preservation on the Finding of Adverse Effects and Appendix K with a copy of the Memorandum of Agreement between SHPO and Federal Highway Administration.

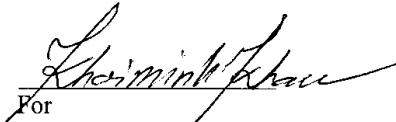
A vertical line in the outside margin of the page indicates changes made to the document since the first environmental document was circulated during June, July and August. The information in this document supercedes and/or clarifies information contained in that original Environmental Assessment/Initial Study.

For individuals with sensory disabilities, this document is available in Braille, large print, on audiocassette or computer disk. To obtain a copy in one of these alternate formats, please call or write to Caltrans, Attn: Mike Donahue, Southern Sierra Branch, 2015 E. Shields Ave. #100, Fresno, CA 93726; phone; (559) 243 8157 Voice, or use the California Relay Service TTY number, 1-800-735-2929.

**FEDERAL HIGHWAY ADMINISTRATION
FINDING OF NO SIGNIFICANT IMPACT
FOR
Independence Roadway Improvement Project
On U.S. Highway 395
Inyo County, California**

The Federal Highway Administration (FHWA) has determined that this project will not have any significant impact on the human environment. This finding of no significant impact is based on the attached Environmental Assessment, which has been independently evaluated by the FHWA and determined to adequately and accurately discuss the environmental issues and impacts of the proposed project. It provides sufficient evidence and analysis for determining that an environmental impact statement is not required. The FHWA takes full responsibility for the accuracy, scope, and content of the environmental assessment.

June 22, 2004
DATE


For
Gene K. Fong
Division Administrator
Federal Highway Administration





MITIGATED NEGATIVE DECLARATION

Improve U.S. Route 395 from KP 113.1 to 122.5 (PM 70.3/76.1) in the vicinity of the town of Independence from 4.3 kilometers (2.7 miles) south of Mazourka Canyon Road to 0.6 kilometer (0.4 mile) north of Shabbell Lane in Inyo County

Prepared pursuant to the California Environmental Quality Act (Division 13 of the Public Resources Code)

Project Description. The California State Department of Transportation (Caltrans) proposes to widen U.S. 395 from a two-lane highway to a four-lane controlled access expressway (except through Independence) from KP 113.1 to 122.5 (PM 70.3/76.1) in the vicinity of the town of Independence in Inyo County. Construction of new northbound lanes on the east side of the existing lanes of U.S. 395 is proposed from approximately KP 113.78 to KP 117.5 (PM 70.7 to PM 73.0) south of Independence. New southbound lanes would be constructed on the west side of the existing lanes from KP 119.25 to KP 121.66 (PM 74.10 to PM 75.6), with a 30.5-meter (100-foot) median north of Independence. The north end of the project would tie into the existing four-lane section at KP 121.66 (PM 75.6). At Symmes Creek, Caltrans plans to increase the culvert size to approximately 3.05 meters (10 feet) in height and 3.05 meters to 3.66 meters (12 feet) in width to provide for a wildlife and cattle crossing under U.S. 395. Improvements in Independence would consist of sidewalk installation from Mazourka Canyon Road/Citrus Avenue at the south end of Independence to the Caltrans Maintenance Station on the west and the road to the airport on the east at the north end of town and drainage improvements. The proposed project would increase capacity, improve safety and the flow of traffic, and provide route continuity.

Determination: Caltrans has prepared an Initial Study and determines from this study that the proposed project would not have a significant effect on the environment for the following reasons:

- There would be no significant effects on social or educational facilities, floodplains or to any publicly owned park or recreation area. Impacts to parking would not be significant. There would be no significant impacts on air and water quality. Noise levels would not increase near sensitive receptors enough to warrant any mitigation. No hazardous waste sites are currently known to exist in the area. No endangered or threatened animals and plant species would be affected.
- Minor impacts to riparian areas and aesthetic impacts would be mitigated to a level of insignificance. Impacts to grazing land would be insignificant given the abundance of low-quality scrub vegetation.
- Impacts to cultural resources would be mitigated under the provisions of the Memorandum of Agreement signed by FHWA and the Office of Historic Preservation (OHP) with Caltrans as a concurring party. Recorded portions of all historic sites outside the Area of Direct Impact (ADI) would be designated as Environmentally Sensitive Areas (ESAs) during construction. Archaeological monitoring would also be undertaken during construction as insurance against unanticipated effects upon sites.



MIKE DONAHUE

Chief, Southern Sierra Environmental Branch
Planning Division
Central Region

6/22/04

Date



	State of California Department of Transportation	9-INY-395-KP113.1 to 122.5 (PM 70.3/76.1) 09-214800
	U.S. Department of Transportation Federal Highway Administration	

INITIAL STUDY/ ENVIRONMENTAL ASSESSMENT

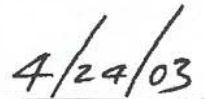
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Mazourka Canyon Road to 0.6 kilometer (0.4 mile) north of Shabbell
Lane in Inyo County**

*Prepared pursuant to the California Environmental Quality Act (Division 13 of the Public Resources Code), the
National Environmental Protection Act (42 U.S.C. 4332(2)(C))*

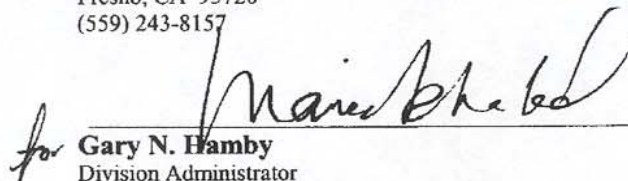
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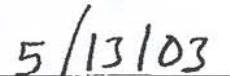
Mike Donahue
Chief, Southern Sierra Environmental Branch
California Department of Transportation, Central Region
2015 E. Shields Avenue, Suite 100
Fresno, CA 93720
(559) 243-8157



Date



Gary N. Hamby
Division Administrator
Federal Highway Administration
980 Ninth Street, Suite 400
Sacramento, CA 95814-2724



Date



SUMMARY

Project Description

The California State Department of Transportation (Caltrans) proposes to widen U.S. 395 from a two-lane highway to a four-lane controlled access expressway (except through Independence) from KP 113.1 to 122.5 (PM 70.3/76.1) in the vicinity of the town of Independence in Inyo County. Construction of new northbound lanes on the east side of the existing lanes of U.S. 395 is proposed from approximately KP 113.78 to KP 117.5 (PM 70.7 to PM 73.0) south of Independence. New southbound lanes would be constructed on the west side of the existing lanes from KP 119.25 to KP 121.66 (PM 74.10 to PM 75.6), with a 30.5-meter (100-foot) median north of Independence. The north end of the project would tie into the existing four-lane section at KP 121.66 (PM 75.6). At Symmes Creek, Caltrans plans to increase the culvert size to approximately 3.05 meters (10 feet) in height and 3.05 meters to 3.66 meters (12 feet) in width to provide for a wildlife and cattle crossing under U.S. 395. Improvements in Independence would consist of installing sidewalks from Mazourka Canyon Road/Citrus Avenue at the south end of Independence to the Caltrans Maintenance Station on the west and the road to the airport on the east at the north end of town, and drainage improvements.

Purpose and Need

The proposed project would increase capacity to meet present and future traffic demands, improve safety and the flow of traffic, and provide route continuity. The improvements are consistent with the Regional Transportation Plan and the U.S. 395 corridor in Inyo County.

Project Alternatives

Two build alternatives—Alternatives 2a and 2b—were proposed to meet the project purpose of increasing capacity, improving safety, and providing route continuity. Both build alternatives would widen the roadway to four lanes outside of Independence.

Alternative 2a: This alternative would construct new northbound lanes on the east side of existing lanes of U.S. 395, from approximately KP 113.78 to KP 117.5 (PM 70.7 to PM 73.0) south of Independence. The median width on this section would be 30.5 meters (100 feet). An all-paved, four-lane road would go through Independence from KP 117.5 to KP 119.25 (PM 73.0 to PM 74.10) with a 3.6-meter (12-foot), two-way left-turn lane. The shoulder widths would be 1.2 meters (4 feet), plus 2 meters (6 feet) for the sidewalk. Sidewalks would be installed from Mazourka Canyon Road/Citrus Avenue at the south end of Independence to the Caltrans Maintenance Station on the west and the road to the airport on the east at the north end of town. To accommodate for the two-way left-turn lane, parking would have to be eliminated in town. The state right-of-way through town is 24.4 meters (80 feet [back of sidewalk to back of sidewalk]). New southbound lanes would be constructed on the west side from KP 119.25 to KP 121.66 (PM

74.10 to PM 75.6), with a 30.5-meter (100-foot) median north of Independence. The north end of the project would tie into the existing four-lane section at KP 121.66 (PM 75.6). At Symmes Creek, Caltrans plans to increase the culvert size to approximately 3.05 meters (10 feet) in height and 3.05 meters to 3.66 meters (12 feet) in width that would provide for a wildlife and cattle crossing of U.S. 395.

Alternative 2b: This alternative is much like Alternative 2a. The only difference is that there would not be a two-way left-turn lane through the town of Independence. Instead, parking would remain, sidewalks would be installed and the existing route in Independence would stay much as it is. North and south of town the existing two-lane sections would be converted to four lanes, the same as in Alternative 2a.

No-Build Alternative -- Alternative 1: Under the No-Build Alternative, U.S. 395 would remain in its present condition. Normal maintenance would continue at its present level. The No-Build Alternative does not address the project purpose and need and, therefore, would not meet future traffic demands, nor improve safety or the flow of traffic.

Other alternatives were considered but withdrawn during the project development process. Those alternatives are detailed in Chapter 2.

Selection of Preferred Alternative: After circulation of the Environmental Assessment/Initial Study and review of the public and agency comments received during the public review process, project Alternative 2b (with existing parking) was selected as the preferred alternative because it addresses the purpose and need of the project while minimizing impacts to the community.

Environmental Impacts and Mitigation

Construction of this project would have minor impacts on riparian resources, cultural resources, and aesthetic values.

Air Quality

The Independence project is included in the 2002 Federal/State Transportation Improvement Plan and the Regional Transportation Program for Inyo County.

Waters of the U.S.

Temporary and permanent impacts to “Waters of the U.S.” (approximately 0.3 hectare/0.73 acre) would be mitigated as outlined in the 401 (Lahontan Regional Water Quality Control Board) and 404 (Army Corps of Engineers) nationwide #14 permits to be acquired prior to construction. There are no wetlands associated with this project.

Riparian Area

Temporary and permanent impacts to riparian habitats (approximately 0.02 hectare/0.046 acre) at Independence Creek would be mitigated as outlined in the 1602 (California Department of Fish and Game) permit to be acquired prior to construction.

Cultural

Impacts to six cultural resources (CA-INY-5397/H, -5757, -5759, -5761 -5763 and -5764) would be mitigated under the provisions of the Memorandum of Agreement signed by FHWA and the Office of Historic Preservation with Caltrans as a concurring party. Cultural resources mitigation includes measures to avoid direct impacts and data recovery. Recorded portions of all historic sites outside the Area of Direct Impact would be designated as Environmentally Sensitive Areas during construction. Archaeological monitoring would also be undertaken during construction as insurance against unanticipated effects upon sites.

Aesthetics

Trees and other vegetation associated with riparian areas would be replaced.

Consultation/Coordination/Public Involvement

During the environmental studies, consultation was done with the following agencies:

California Department of Fish and Game
Los Angeles Department of Water and Power (LADWP)
Inyo County Local Transportation Commission (LTC)
Inyo County, Planning Department
Inyo County, Parks and Recreation Department
Native American Heritage Commission
U.S. Army Corps of Engineers
Fort Independence Community of Paiute
Bureau of Indian Affairs, Sacramento
Bureau of Land Management, Bishop
California Division of Forestry, Fresno
Eastern California Museum, Independence
Inyo County Department of Public Works, Independence

Public Meetings

Public Information Meetings/Open Houses were held on Thursday, February 13, 1997, Monday, April 19, 1999 and Wednesday, November 1, 2000 at the American Legion Hall in Independence, California. On February 10, 2003, an additional public meeting was held at the American Legion Hall in Independence, California, in coordination with the Manzanar and Black Rock Four-Lane projects to provide information and give the public an opportunity to discuss the projects.

On July 2, 2003, Caltrans conducted a Public Hearing to inform the public of the three available alternatives and the impacts the proposed project would have on the environment. The public comment period ended August 2, 2003.

Project Development Team Meetings

Members of the Independence Chamber of Commerce and a representative of the community of Independence were invited to participate in the Project Development Team meetings.

Environmental Document Circulated

The Initial Study/Environmental Assessment was circulated for public review and comment between June 2, 2003 and August 2, 2003. The Initial Study/Environmental Assessment was circulated to interested public agencies and local agencies, and public notices were sent out to and approximately 500 members of the public and landowners. Public Notices were published in the *Inyo Register* newspaper, and copies were sent to three local libraries. In addition, the environmental document was available on the Caltrans District 9 webpage.

Summary of Major Potential Impacts from Alternatives

Table S-1 Costs (2004)

	Alternative 2a	Alternative 2b
Construction Costs	\$11,125,500	\$11,125,500
Right-of-Way (R/W) Requirements	24 ha (60 acres)	24 ha (60 acres)
R/W Cost	\$851,500	\$851,500

Table S-2 Summary of Impacts

Impacts	Alternative 2a	Alternative 2b
Parking availability	<ul style="list-style-type: none"> 70 on-street parking spaces in the business district would be displaced. 120 parking spaces in Independence would be displaced. 	Not affected
Riparian Habitat Loss	0.046 acre/ 0.02ha	0.046 acre/ 0.02ha
Waters of the U.S.	0.73 acre/0.3ha	0.73 acre/0.3ha
Eligible Historic Resources	No impacts to eligible historic resources	See Alternative 2a
Eligible Archaeological Properties Affected	<p style="text-align: center;">6 eligible sites</p> <ul style="list-style-type: none"> CA-INY-5397/H: Limited impacts CA-INY-5757: Substantial impacts due to construction of new northbound lanes and utility road CA-INY-5759: Substantial impacts through rerouting of access road, grading for drainage CA-INY-5761: Marginal impacts through sidewalk installation CA-INY-5763: Impact to one of several loci (Locus 1) through widening/repair of shoulders CA-INY-5764: No adverse effect. Establishment of ESA 	See Alternative 2a

Table S-3 Mitigation

Mitigation	Alternative 2a	Alternative 2b
Parking	Minor Impacts. No mitigation necessary.	Not affected.
Riparian Habitat	On-site re-vegetation and best management practices (silt control, re-contouring and maintenance of stream flows)	See Alternative 2a
Waters of the U.S.	On-site re-vegetation and best management practices (silt control, re-contouring and maintenance of stream flows)	See Alternative 2a
Historical Resources	No mitigation necessary	See Alternative 2a
Eligible Archaeological Properties	<ul style="list-style-type: none"> • CA-INY-5397/H: ESA establishment to avoid direct impacts; limited testing; data recovery, analysis and dissemination of project results • CA-INY-5757: Data recovery, detailed documentation, analysis and dissemination of project results • CA-INY-5759: Data recovery, detailed documentation, analysis and dissemination of project results • CA-INY-5761: Data recovery, documentation, analysis and dissemination of project results • CA-INY-5763: Data recovery, documentation, analysis and dissemination of project results for Locus 1 • CA-INY-5764: No adverse effect. Establishment of ESA 	See Alternative 2a

Table S-4 Permit Requirements

Permits - Provisions	Alternative 2a	Alternative 2b
Streambed Alteration Agreement, Section 1602, DF&G	YES	YES
National Pollution Discharge Elimination System (NPDES)	YES	YES
Clean Water Act Section 404 Nationwide Permit #14	YES	YES
Clean Water Act Section 401 Certification	YES	YES

Commonly Used Abbreviations

AADT - Annual Average Daily Traffic
ACOE - Army Corps of Engineers
APE - Area of Potential Effect
ARC - Archaeological Research Center, Bakersfield
ASBI - Areas of Special Biological Importance
BLM - Bureau of Land Management
BMP - Best Management Practice
CALTRANS - California State Department of Transportation
CEQA - California Environmental Quality Act
CNDDDB - California Natural Diversity Database
DFG - California Department of Fish and Game
EIC - Eastern Information Center of the California Historical Resources Information System at the University of California, Riverside
FEMA - Federal Emergency Management Agency
FHWA - Federal Highway Administration
FIRM - National Flood Insurance Rate Map
Great Basin APCD - Great Basin Air Pollution Control District
KP - kilopost, kilometer post
LADWP - City of Los Angeles, Department of Water and Power
LAHONTAN RWQCB - Lahontan Regional Water Quality Control Board
LOS - Level of Service
MOA - Memorandum of Agreement
NEPA - National Environmental Policy Act
NPDES - National Pollutant Discharge Elimination System
NRHP - National Register of Historic Places
PDT - Project Development Team
PM - Post Mile
PPM - Parts Per Million
RCR - Route Concept Report
SHELL System - Subsystem of Highways for the Movement of Extra Legal Permit Loads
SHPO - State Historic Preservation Officer
STAA - Federal Surface Transportation Assistance Act
SWPPP - Storm Water Pollution Prevention Plan
Table B - Accident data sheet provided by the District traffic investigation section
TASAS - Traffic Accident and Survey Analysis System
TWLTL - Two-Way-Left-Turn-Lane/Center-Turn-Lane
UST - Underground Storage Tank
VPD - Vehicles Per Day



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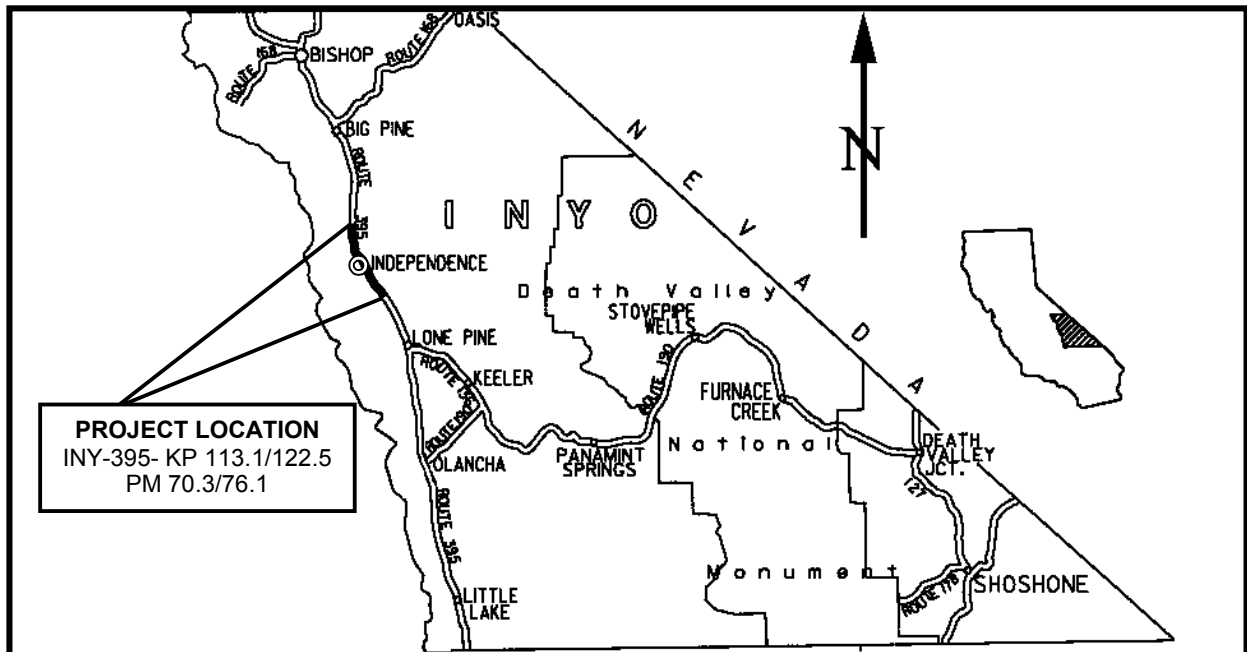
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1 PURPOSE AND NEED OF PROPOSED PROJECT

The California State Department of Transportation (Caltrans) proposes to widen U.S. 395 from two to four lanes from KP 113.1 to 122.5 (PM 70.3/76.1) in the vicinity of the town of Independence in Inyo County. Construction of new northbound lanes on the east side of the existing lanes of U.S. 395 is proposed from approximately KP 113.78 to KP 117.5 (PM 70.7 to PM 73.0) south of Independence. New southbound lanes would be constructed on the west side of the existing lanes from KP 119.25 to KP 121.66 (PM 74.10 to PM 75.6), with a 30.5-meter (100-foot) median north of Independence. The north end of the project would tie into the existing four-lane section at KP 121.66 (PM 75.6). At Symmes Creek, Caltrans plans to increase the culvert size to approximately 3.05 meters (10 feet) in height and 3.05 meters to 3.66 meters (12 feet) in width to provide for a wildlife and cattle crossing over U.S. 395. Improvements in town would consist of sidewalk installation from Mazourka Canyon Road/Citrus Avenue at the south end of Independence to the Caltrans Maintenance Station on the west and the road to the airport on the east at the north end of town and drainage improvements (see Figure 1 for Project Location and Figure 2 for Project Map).

Figure 1: Project Location



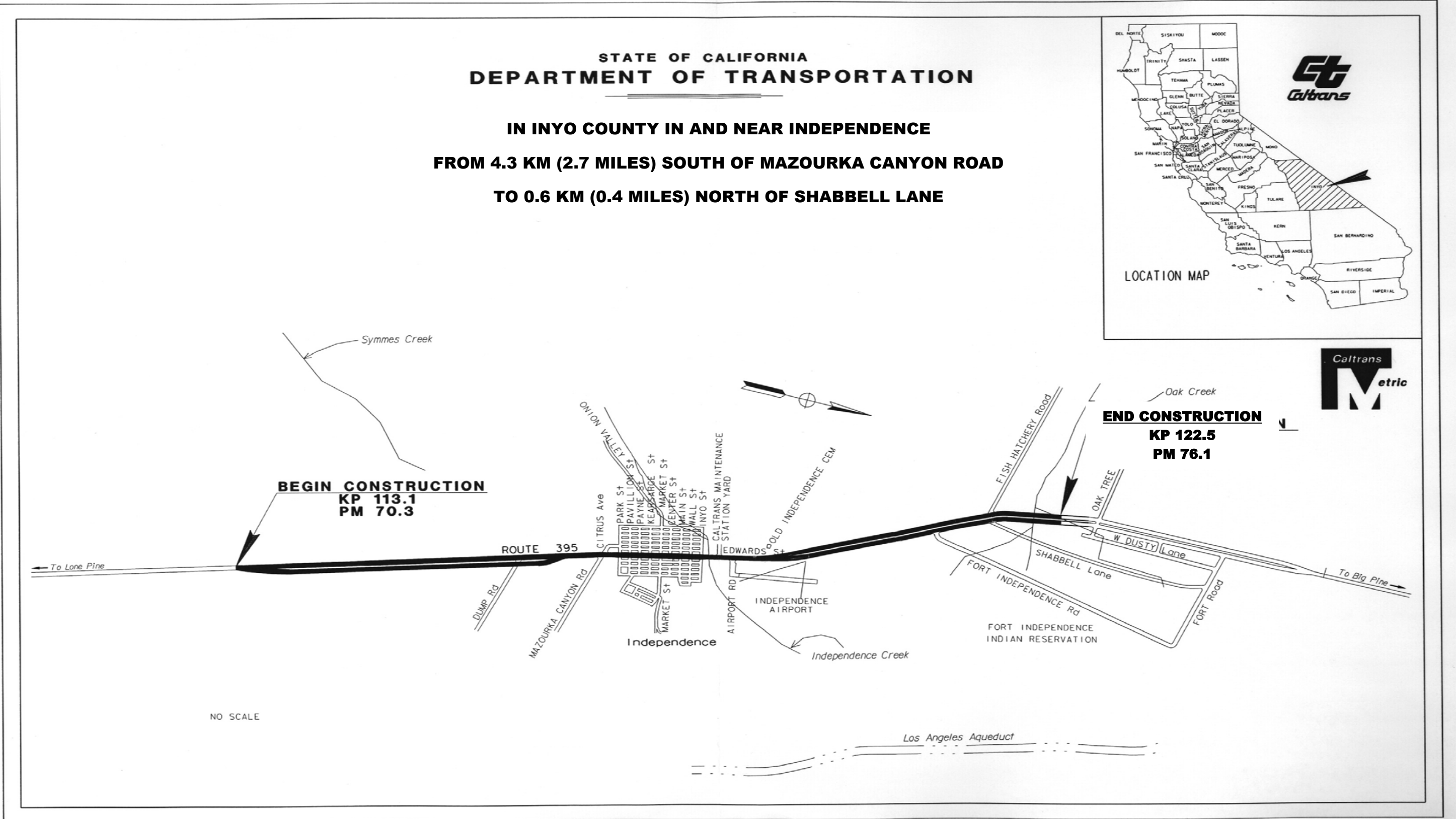
The purpose of the proposed project is to increase capacity, improve safety and the flow of traffic and provide route continuity. After preliminary studies were conducted on a wide variety of alternatives and public input was sought through three Public Information Meetings, three alternatives were studied as part of the environmental process:

- Alternative 1: No-Build
- Alternative 2a: Through-Town with Two-Way Left-Turn Lane (without Parking)
- Alternative 2b: Through-Town with Existing Parking

Detailed studies were conducted to determine the environmental impacts for each alternative. The project proposal responds to an identified need to widen U.S. 395 to four lanes in and around the town of Independence.

The Caltrans District 9 Planning Branch initiated this project with support from the Inyo County Local Transportation Commission. The programmed components were funded through the Interregional Transportation Improvement Program (20.10.025.700) and programmed in the 1998 State Transportation Improvement Program. The estimated non-escalated capital cost is \$11,977,000, and includes \$11,125,500 for construction and \$851,500 for right-of-way.

Figure 2: Project Map





1.1 INTRODUCTION

U.S. 395 is a high emphasis route in the Interregional Road System. It is a major element of a transportation corridor connecting the Eastern Sierra region (Inyo and Mono counties) and Western Central Nevada to the Southern California region. This transportation corridor has been identified in previous California planning studies as one of five major recreational corridors serving all of Southern California and one of 11 major regional transportation corridors in California. As a transportation corridor, it serves several purposes. First, the highway corridor is vital for the economy of the Eastern Sierra region for the shipment of goods and materials. The region imports virtually all of its food, clothing and other goods. Second, this corridor has major recreational use as evidenced by over 7 million visitor-days of recreation generated annually in the Eastern High Sierra.

In addition to being listed in the Interregional Road System as a high emphasis route, U.S. 395 has been designated a “larger truck” route by the Federal Surface Transportation Assistance Act and included in the SHELL (Subsystem of Highways for the Movement of Extra Legal Permit Loads) System.

The route concept, as described in the Route Concept Report, is to make U.S. 395 in Inyo County a four-lane, controlled-access highway with a Level of Service of “B” (see section 1.2.2 for a definition of LOS) or better. The build alternatives are consistent with the Route Concept Report and District System Management Plan.

Currently, U.S. 395 within the project area is a two-lane rural road with a four-lane section through the town of Independence. The southern limit would connect with the Manzanar Four-Lane project that would widen this section to four lanes with a 30.5-meter (100-foot) median in the future. The north end of the project connects to a four-lane divided highway with a 4.2-meter (14-foot) median. In the town of Independence, the highway widens to four lanes with no median. Parking is permitted on the shoulders, and the speed limit is 25 mph.

There is little development south of Independence, with most of the land owned by the Los Angeles Department of Water and Power. The Independence Airport is just north of town on the east side of U.S. 395. On the north end of the project is the Fort Independence Indian Reservation outside the project limits. The town of Independence is developed with various businesses, the county courthouse, two parks and residential units.

1.2 TRAFFIC ISSUES

1.2.1 Traffic Volumes

The existing Annual Average Daily Traffic (AADT) volume is 6,300 vehicles per day with the peak month being almost 25% higher (8,500 vehicles per day). The 20-year growth rate was determined to be 1%. Summaries of the various current and projected traffic data are presented in Table 1.2.1 based on 2001 traffic volumes.

Table 1.2.1: Traffic Data

	2001	2006	2026
Annual Average Daily Traffic	6,300	6,620	8,080
Peak Month	8,500	8,934	10,901
Trucks/Buses/RVs	16.6%	-	-
Growth per Year			1%

1.2.2 Level of Service

Level of Service (LOS) is a measure of how freely or constrained traffic travels along a road segment or through an intersection. For two-lane rural highways, LOS is determined in terms of delay, speed and capacity utilization. LOS ranges from freely flowing (A) to extremely congested (F). An LOS F indicates substantial congestion with traffic demand exceeding capacity. See Figure 3 for a complete LOS description.

The current Level of Service in the project limits is LOS D outside of Independence. The Level of Service for this facility in the project limits would deteriorate to a LOS E in 2026 if the proposed project were not implemented. The proposed project would improve the Level of Service to LOS A. The current and future LOS for representative locations are shown in Table 1.2.2 and Table 1.2.3. Table 1.2.2 shows the LOS for the two build alternatives in the Independence Central Business District. The LOS is the same except for the 20-year horizon after construction. The LOS decreases to a LOS D for Alternative 2b (with parking).

Table 1.2.2: Level of Service in Independence

Independence Central Business District			
Alternative	2001	2006	2026
Alternative 2a (with Two-way left-turn lane)	C	C	C
Alternative 2b (with parking)	C	C	D

** Note: LOS calculations based on 30th highest hourly traffic volume*

Table 1.2.3 shows the LOS for the existing two-lane section north and south of Independence, comparing the No-build alternative with the proposed four-lane expressway. The No-build alternative continues to be at LOS D, while the proposed four-lane expressway would improve the traffic situation to LOS A outside of Independence for both the northbound and southbound directions.

Table 1.2.3: Level of Service North and South of Independence

North and South of Independence			
Alternative	2001	2006	2026
No-build	D	D	E
Proposed Four-Lane Expressway	-	A	A

* Note: LOS calculations based on 30th highest hourly traffic volume.

During weekends and holidays, traffic volumes are especially heavy, causing traffic back-ups, driver frustration and frequent unsafe passing maneuvers, especially in the peak months. The high percentage (16.6%) of heavy vehicles (trucks/buses/RVs) traveling at slow speeds contribute to the low level of service. Because of the rural nature of the area, speeds tend to be high. Since trucks and recreational vehicles are not capable of traveling at sustained high speeds, large queues form.

1.3 SAFETY ISSUES

Accident information along U.S. 395 was obtained from the Caltrans District 9 traffic investigation section. The Traffic Accident and Survey Analysis System (TASAS) and Table B (accident data sheet provided by the District traffic investigation section) show 15 accidents on this portion of U.S. 395 during the three-year period ending April 30, 2003 resulting in a total accident rate (0.39) below the statewide average rate (0.85) for a similar facility (see Table 1.3). The accident rate for fatal accidents during this time period is 0.052 accidents per million vehicle miles, which is approximately 30 per cent higher than the statewide average for this type of facility of 0.035 accidents per million vehicle miles.

There were 15 recorded accidents during the three-year analysis period resulting in a total accident rate of 0.39 below the statewide average rate of 0.85. Forty percent of the total accidents resulted in 11 injured people with a total Fatal + Injury accident rate of 0.21, which is below the statewide average rate of 0.42. The two fatal accidents that occurred in the two-lane section south of Independence resulted in a fatal accident rate of 0.052, which is higher than the statewide average rate. Primary causes of the accidents were as follows: 33% hit objects; 20% rear-end; 13% sideswipe; 13% overturn and 7% each head-on, pedestrian versus auto, and hit a lost tire.

Table 1.3: Accident Rates







(Expressed in million vehicle miles traveled [MVM])

	Actual			Statewide Average		
U.S. 395	Fatal	Fatal & Injury	Total	Fatal	Fatal & Injury	Total
Accident Rate	0.052	0.21	0.39	0.035	0.42	0.85
Accidents	2	6	15	-	-	-

Widening the roadway to four lanes, adding a 30.5-meter (100-foot) median and widening the shoulders would provide added room for emergency maneuvering and errant driver recovery and therefore, improving safety.

LEVELS OF SERVICE

for Multi-Lane Highways

Level of Service	Flow Conditions	Operating Speed (mph)	Technical Descriptions
A		60	Highest level of service. Traffic flows freely with little or no restrictions on maneuverability. No delays
B		60	Traffic flows freely, but drivers have slightly less freedom to maneuver. No delays
C		60	Density becomes noticeable with ability to maneuver limited by other vehicles. Minimal delays
D		57	Speed and ability to maneuver is severely restricted by increasing density of vehicles. Minimal delays
E		55	Unstable traffic flow. Speeds vary greatly and are unpredictable. Minimal delays
F		<55	Traffic flow is unstable, with brief periods of movement followed by forced stops. Significant delays

Source: 2000 HCM, Exhibit 21-3, Speed-Flow Curves with LOS Criteria for Multi-Lane Highways

Figure 3: Level of Service Chart

2 PROPOSED PROJECT ALTERNATIVES

2.1 THE PROPOSED ALTERNATIVES

Final selection of the preferred alternative was made after the full evaluation of environmental impacts and consideration of public hearing comments. Project Alternative 2b, which would keep the existing on-street parking, has been selected as the preferred alternative because it minimizes impacts to the community and meets the purpose and need.

2.1.1 Alternative 1, No-Build

The No-Build Alternative was examined and rejected because it did not address relief from existing deficiencies such as low level of service, decreased Level of Service to meet present and future traffic demands, passing restrictions and provisions for emergency parking areas. This alternative would not address future needs.

2.1.2 Alternative 2a, Through-Town With Two-Way Left-Turn Lane (Without Parking)

This alternative consists of constructing new northbound lanes on the east side of the existing lanes of U.S. 395 from approximately KP 113.78 to KP 117.5 (PM 70.7 to PM 73.0) south of Independence. Median width on this section would be 30.5 meters (100 feet). An all-paved, four-lane road would go through Independence from KP 117.5 to KP 119.25 (PM 73.0 to PM 74.10) with a 3.6-meter (12-foot), two-way left-turn lane. The shoulder widths would be 1.2 meters (4 feet) and sidewalk width would be 2 meters (6 feet). Improvements in town would consist of sidewalks installed from Mazourka Canyon Road/Citrus Avenue at the south end of Independence to the Caltrans Maintenance Station on the west and the road to the airport on the east at the north end of town, and drainage improvements. To accommodate the two-way left-turn lane, parking would be eliminated in town. The state right-of-way through town is 24.4 meters (80 feet [back of sidewalk to back of sidewalk]). New southbound lanes would be constructed on the west side of the existing lanes from KP 119.25 to KP 121.66 (PM 74.10 to PM 75.6), with a 30.5-meter (100-foot) median north of Independence. The north end of the project would tie into the existing four-lane section at KP 121.66 (PM 75.6) (see Figure 4 for typical cross-sections). At Symmes Creek, Caltrans would increase the culvert size to approximately 3.05 meters (10 feet) in height and 3.05 meters to 3.66 meters (12 feet) in width to provide a wildlife and cattle crossing under U.S. 395.

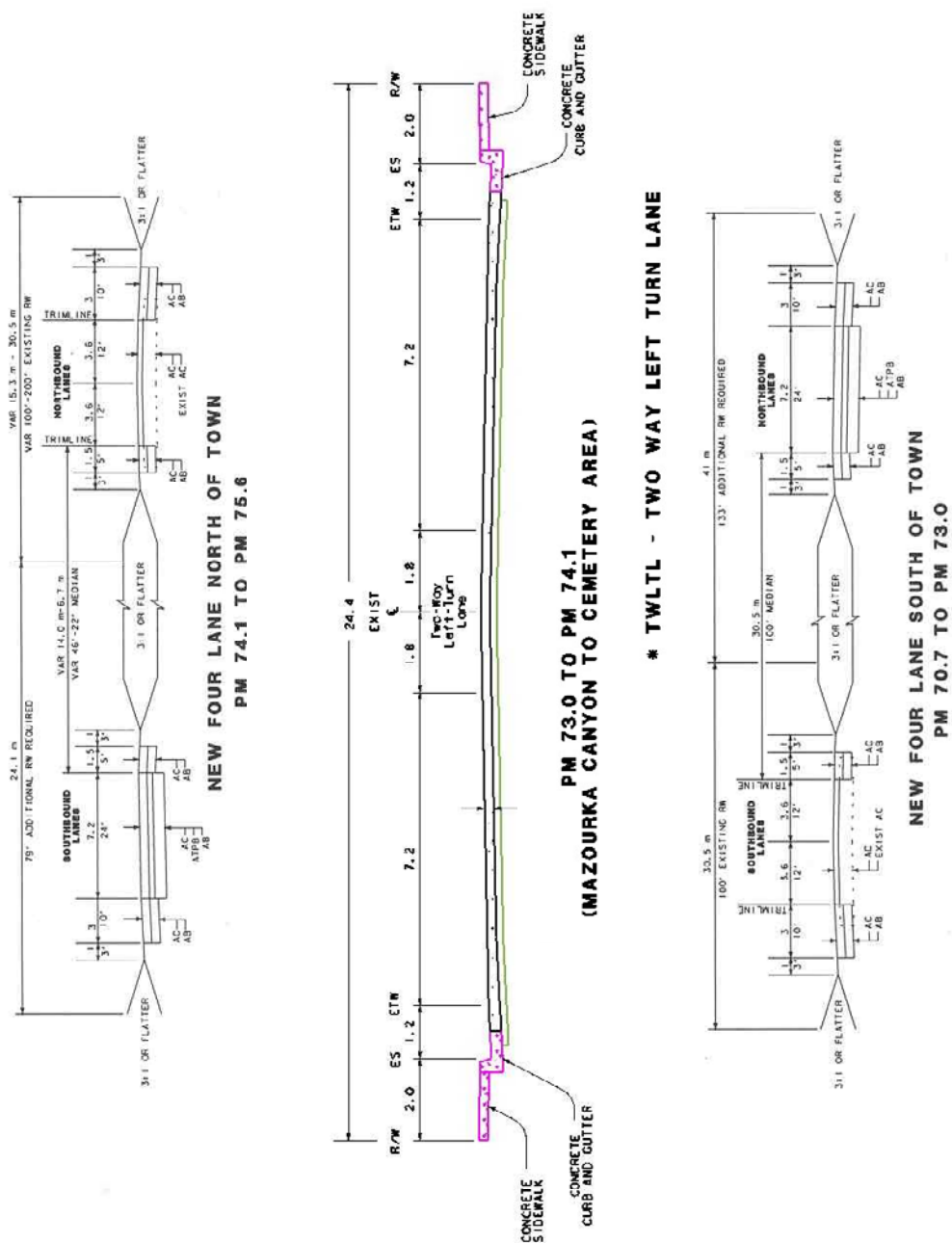
This alternative provides for a Level of Service A outside of Independence and a Level of Service C in Independence until the year 2026, minimizing potential environmental impacts and satisfying the purpose and need of the proposed project.

2.1.3 Alternative 2b, Through-Town With Existing Parking (Preferred Alternative)

This alternative is similar to Alternative 2a, except it would not have a two-way left-turn lane through Independence and on-street parking would remain. The shoulder widths would be 3 meters (10 feet) to accommodate parking, and the sidewalk width would be 2 meters (6 feet). Sidewalks would be installed and the existing route in Independence would stay the same. The existing two-lane sections north and south of town would be converted to four lanes identical to Alternative 2a (see Figure 5 for typical cross-sections).

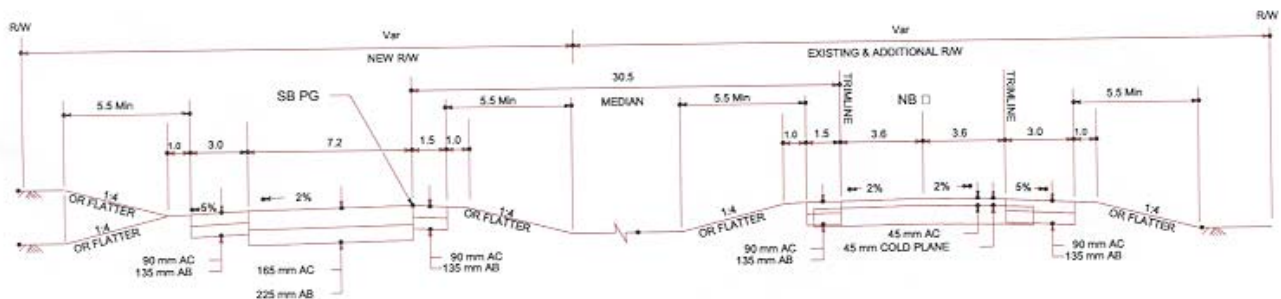
This alternative provides for a Level of Service A outside of Independence and a Level of Service D in Independence until the year 2026, while minimizing potential environmental impacts and satisfying the purpose and need of the proposed project. Alternative 2b has been selected as the preferred alternative.

Figure 4: Typical Cross Sections, Alternative 2a

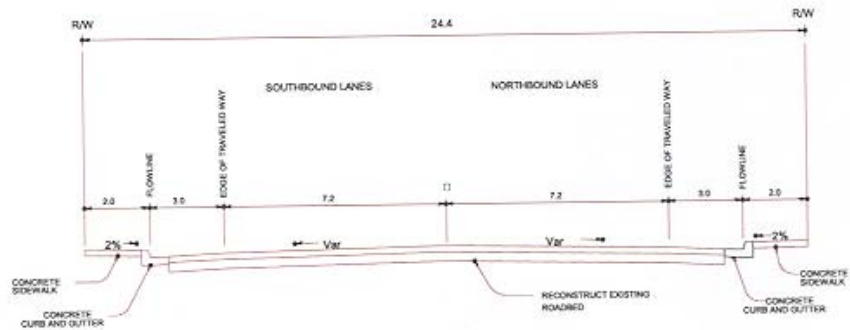


ALTERNATIVE 2a - FOUR LANE THROUGH TOWN WITHOUT PARKING

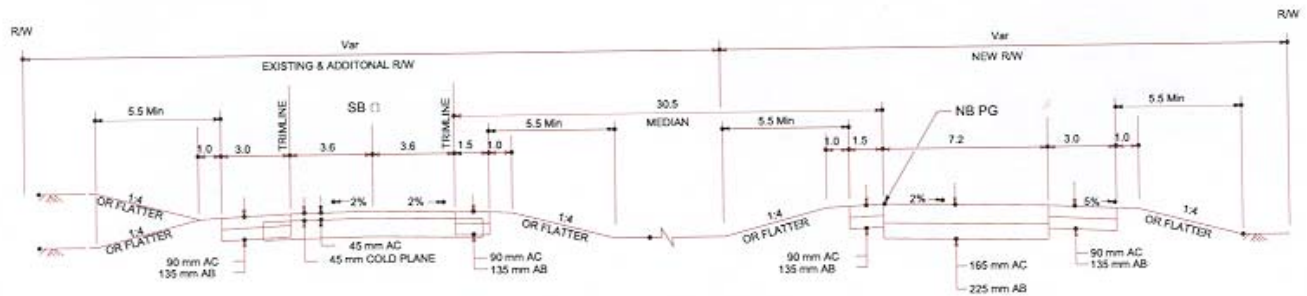
Figure 5: Typical Cross Sections, Alternative 2b



NEW FOUR LANE NORTH OF TOWN
KP 119.2 TO KP 121.6



FOUR LANE THROUGH INDEPENDENCE
KP 117.4 TO KP 118.7



NEW FOUR LANE SOUTH OF TOWN
KP 113.1 TO KP 116.8

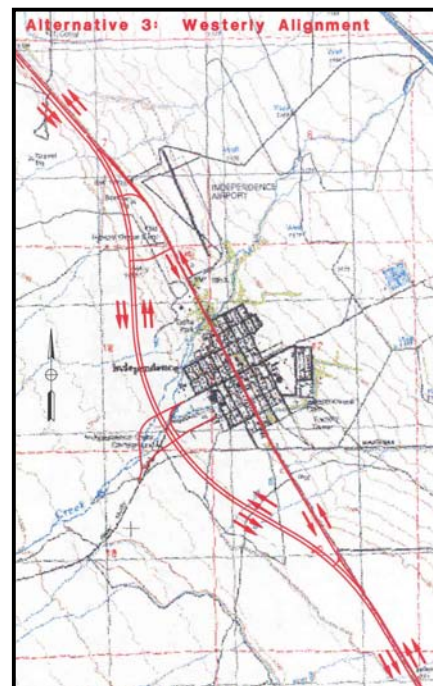
ALTERNATIVE 2b - FOUR LANE THROUGH TOWN WITH PARKING

2.2 ALTERNATIVES WITHDRAWN FROM CONSIDERATION

2.2.1 Alternative 3, Westerly Alignment

This alternative consists of constructing new northbound lanes on the east side of existing lanes of U.S. 395 from approximately KP 113.8 to KP 116.03 (PM 70.7 to PM 72.1) south of Independence. New southbound and northbound lanes are proposed approximately 700 meters (2,300 feet) west of town with a 30.5-meter (100-foot) median from KP 116.03 to KP 120.8 (PM 72.1 to PM 75.04). The south end of project would tie into the Manzanar Four-Lane project at KP 113.8 (PM 70.7), and the north end would tie into the existing four-lane section at KP 121.7 (PM 75.6).

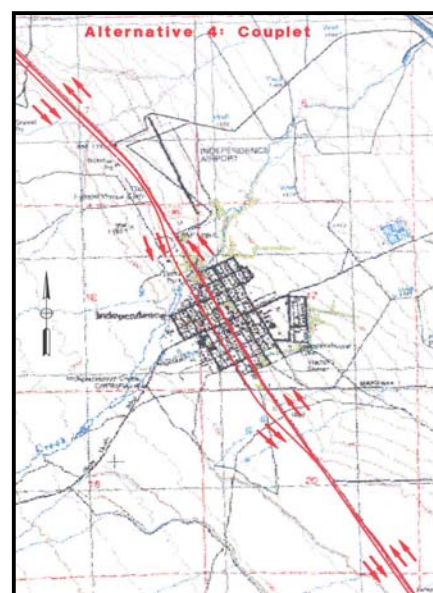
This alternative would potentially affect the visual resources on the west side of Independence, a 4f property (campground), cultural resources on the proposed alignment, the economic base of the community and developable land (113-ha/280-acre Manzanar land exchange) on the west side of Independence. Compared to the through-town alternatives, this alternative would be higher in cost due to the construction of additional lanes. In addition, regional and inter-regional traffic would be served by the through-town alternatives sufficiently (LOS A) and would not gain a significant time advantage (approximately 78/109 seconds time saving (speed limit 25/35 mph)) bypassing the community of Independence.



2.2.2 Alternative 4, Couplet

This alternative would provide a couplet for the northbound and southbound directions of traffic through Independence. Two new northbound lanes, with a 30.5-meter (100-foot) median, would be constructed at the east side on the south end of project, tying it into the existing Manzanar Four Lane project at KP 113.8 (PM 70.7). Two new southbound lanes, with variable median widths, would be constructed on the west side at the north end of the project, linking it with the existing four-lane passing section at KP 121.7 (PM 75.6). Through town, the existing lanes would become the northbound lanes. Washington Street, located two blocks west of existing U.S. 395, would become the southbound lanes.

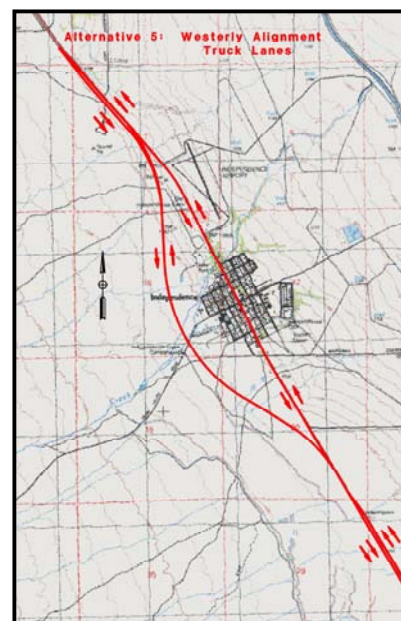
This alternative would potentially affect the community of Independence and the residents on Washington Street: new residential areas would be subjected to through-traffic; the community would be divided into three parts; and the existing Caltrans Maintenance Station would have to be relocated.



2.2.3 Alternative 5, Two-lane Truck Bypass

New northbound lanes would be constructed on the east side from KP 113.13 to KP 116.03 (PM 70.3 to 72.1). Both the northbound and southbound lanes would transition to two “truck lanes” from KP 116.03 to KP 120.8 (PM 72.1 to PM 75.04), approximately 700 meters (2,300 feet) west of Independence. New southbound lanes would be constructed on the west from KP 120.08 to KP 121.7 (PM 75.04 to PM 75.6) and would tie into the existing passing section north of town.

This alternative would potentially affect the visual resources on the west side of Independence, a 4f property (campground), cultural resources on the proposed alignment, the economic base of the community and developable land (113-ha/280-acre Manzanar land exchange) on the west side of Independence. Compared to the through-town alternatives, this alternative would be higher in cost because of the construction of additional lanes. In addition, regional and inter-regional traffic would be served by the through-town alternatives sufficiently (LOS A) and would not gain a significant time advantage (approximately 78/109 seconds (speed limit of 25/35 mph)) bypassing the community of Independence.



2.2.4 Alternative 6, Westerly Alignment for Southbound Lanes

This alternative is similar to Alternative 5, except that the westerly two-lane alignment would be for southbound traffic. Two new northbound lanes, with a 30.5-meter (100-foot) median, would be constructed on the east side at the south end of project and connect into the existing Manzanar four-lane project from KP 113.8 to KP 117.5 (PM 70.7 to PM 73.0). Through town, from KP 117.5 to KP 119.25 (PM 73.0 to PM 74.1), there would be two lanes for northbound and one lane for southbound traffic. Southbound lanes from KP 116.03 to KP 121.7 (PM 72.1 to PM 75.6), approximately 700 meters (2,300 feet) west of existing U.S. 395, would be constructed. The lanes would tie into the existing four-lane passing section at KP 121.7 (PM 75.6).

This alternative would potentially affect the visual resources on the west side of Independence, a 4f property (campground), cultural resources on the proposed alignment, the economic base of the community and developable land (113-ha/280-acre Manzanar land exchange) on the west side of Independence. Compared to the through-town alternatives, this alternative would be more expensive because of the construction of additional lanes. Regional and inter-regional traffic would be served by the through-town alternatives sufficiently (LOS A) and would not gain a significant time advantage (approximately 78/109 seconds (speed limit of 25/35 mph)) bypassing the community of Independence.



2.2.5 Alternative 7, Easterly Alignment

This alternative would construct new northbound lanes on the east side of Independence from approximately KP 113.8 to KP 115.7 (PM 70.7 to PM 71.9). New southbound and northbound lanes would be constructed approximately 780 meters (2,550 feet) east of town with a 30.5-meter (100-foot) median from KP 116.03 to KP 122.15 (PM 72.1 to PM 75.9). The south end of the project would tie into the Manzanar Four-Lane project at KP 113.8 (PM 70.7). The north end would tie into existing four-lane passing section at KP 122.15 (PM 75.9).

This alternative would potentially affect the airport on the northeast side of Independence, the Enhancement/Mitigation Projects from the City of Los Angeles on the east side of Independence, and the 6-ha (15-acre) land exchange on the east side, and would subject school and residential areas to additional traffic and cause potential problems because of the high water table. Compared to the through-town alternatives, this alternative would be more expensive because of the cost of constructing additional lanes. In addition, regional and inter-regional traffic would be served by the through-town alternatives sufficiently (LOS A) and would not gain a significant time advantage (approximately 78/109 seconds (speed limit 25/35 mph)) bypassing the community of Independence.





3 ENVIRONMENTAL CONSEQUENCES AND MITIGATION MEASURES

The following chapter discusses project relevant issues pertaining to air quality, biological, cultural resources and water quality studies; an initial site assessment; noise analysis; hazardous waste analysis; traffic analysis; and a floodplain evaluation were conducted assist in making this environmental evaluation. The studies are incorporated by reference into this Environmental Assessment/Initial Study and are available from the Caltrans District 6 Office at 2015 E. Shields Avenue #100 in Fresno, CA 93720 and the District 9 Office at 500 South Main Street in Bishop.

3.1 GENERAL DESCRIPTION

The proposed project lies on the east side of the Sierra Nevada mountains entirely within the confines of the Owens Valley along the east side of the Sierra Nevada (elevation approximately 1,200 meters (4,000 feet)). This segment of roadway runs roughly 3 kilometers (2 miles) west, parallel to the Owens River channel. The proposed project would parallel existing U.S. 395 and continue to go through the town of Independence in Inyo County. Nearly all the adjacent land outside of Independence is classified as open-space and is owned by the Department of Water and Power, the City of Los Angeles. The town of Independence is the Inyo County seat and has a population of 574 (as of 2000). There are two perennial creeks and one intermittent creek that cross the roadway within project limits. Symmes Creek at KP 114.7 (PM 71.3) is intermittent, while Independence Creek at KP 118.6 (PM 73.7) and Oak Creek at KP 122.1 (PM 75.9, 76.1 and 76.2) are perennial.

Vegetation throughout the project area is primarily of lightly scattered scrub types such as desert saltbush scrub and blackbush scrub. The various creek crossings contain typical riparian scrub vegetation like willows, wild roses and a few cottonwood trees.

3.2 PHYSICAL ENVIRONMENT

3.2.1 Hazardous Waste

The results of reviews of Inyo County records, Caltrans' past "as-built" project plans, VISTA search and an on-site field review indicated no identifiable hazardous waste sites outside of the town of Independence. Within town, several potential sites were found that had been service stations containing underground storage tanks. Each site has been either removed or upgraded and has been cleaned up to the satisfaction of the Inyo County Environmental Health Department.

Previously unknown underground storage tanks historically have been uncovered during re-construction of sidewalks in the small towns of the Eastern Sierra, including Independence. These small tanks, usually less than 250 gallons in capacity, had been used to store heating fuel. There is a possibility that these small tanks might be discovered during construction if existing concrete sidewalks were to be removed and replaced by either build alternative. There are no records or visible evidence indicating where these tanks might be located and they are only evident after removal of the sidewalks.

No further site investigations are anticipated for this project unless additional information becomes available prior to construction.

3.2.2 Water Quality

The proposed project crosses three creeks within the project limits: intermittent Symmes Creek south of Independence, perennial Independence Creek within Independence, and perennial Oak Creek north of Independence.

At KP 114.7 (PM 71.3), the project crosses the Symmes Creek channel. Symmes Creek's intermittent flow is fully controlled by the Los Angeles Department of Water and Power upstream from the work area. Nearly all water generated from this watershed is spread above the project for groundwater recharge. Caltrans plans to increase the culvert size to approximately 3.05 meters (10 feet) in height and 3.05 meters to 3.66 meters (12 feet) in width to provide for a wildlife and cattle crossing at U.S. 395 at this location.

At KP 118.6 (PM 73.7) in town, Independence Creek crosses the roadway. The existing highway at this location is in transition from four lanes to two lanes, requiring highway-widening work for the proposed project. The drainage facility of this perennial flow would likely require adjusting the culvert length and modifying the headwalls.

At KP 122.1 (PM 75.9, 76.1 and 76.2), a portion of the perennial flowing Oak Creek crosses U.S. 395 in three separate culverts. These flows are also fully controllable by the Los Angeles Department of Water and Power. Much of the Oak Creek flow is diverted upstream and north of the road crossings for use as groundwater recharge. The project is transitioning into the existing four lanes at this location. Minor culvert modifications are expected.

All cross-drainage facilities would be designed to convey a 100-year flow.

All channel work must conform to the requirements of the Best Management Practices outlined in the Lahontan Regional Water Quality Control Board's issued Board Order No. 6-87-57.

Caltrans' Standard Specifications would provide sufficient controls to prevent any short-term impacts during construction. The statewide National Pollutant Discharge Elimination System (NPDES) permit agreement would be observed. Because the total site disturbance exceeds 0.4 hectare (1 acre), a Storm Water Pollution Prevention Plan would be required according to the NPDES Phase II Rules. The required notification to the Lahontan Regional Water Quality Control Board would be submitted at least 30 days prior to construction.

If the permit requirements and Best Management Practices are incorporated into the contract, there would be no major impact to the water quality from the proposed project. The terms of the water quality 401 (Lahontan Regional Water Quality Control Board) and 404 (Army Corps of Engineers) permits to avoid erosion and run-off into the mentioned creeks would be acquired prior to construction.

3.2.3 Floodplain

Location Hydraulic Studies and a Floodplain Evaluation Report were performed for the proposed project. The Independence Creek floodplain, as determined by the Federal Emergency Management Agency (FEMA) National Flood Insurance Rate Maps (FIRM), crosses the highway at the north side of town. The Owens River floodplain as determined by FEMA/FIRM is about four to five kilometers (2.5 to 3 miles) east of the highway outside the study area. At the south end of the project, the Los Angeles Department of Water and Power has an extensive system of earthen dikes and detention/catch basins up-slope from the highway that reduce the peak of Symmes Creek at the highway from KP 112.3 (PM 69.8) to KP 114.7 (PM 71.3). The proposed project would not have the effect of considerably raising the base (100-year) flood water surface

elevations within the project and is not considered a major encroachment on any floodplain (see APPENDIX A for the Floodplain Evaluation Report Summary).

3.2.4 Air Quality

The overall air quality in the project study area is good. The only non-attainment air quality parameter within Owens Valley is particulate matter (PM_{10}). The primary source of PM_{10} is dust from areas along the Owens River and/or from Owens Lake (dry) during wind periods that exceed 16 km/h (10 mph). Particulate from wood stove smoke can contribute to the problem during winter months. The Great Basin Air Pollution Control District has determined the area's transportation system is not a major contributor to PM_{10} . Inyo County's Regional Transportation Plan, accompanied by an approved Environmental Impact Statement, lists the Independence Four-Lane project as meeting all regional air quality standards. The Independence project is included in the 2002 Federal/State Transportation Improvement Plan and the Regional Transportation Program for Inyo County.

Short-term, microscale impacts created from construction-related activities are possible. PM_{10} is the current basis for the state and federal standards for particulate and is based on health considerations. Fugitive dust is generally PM_{10} or greater in size and is not generally considered a health hazard. Visibility and traffic safety from blowing nuisance dust is the primary concern, although fugitive dust from construction-related activities can cause elevated PM_{10} levels and may pose air quality problems, including soiling of buildings and adverse health impacts to sensitive individuals. Enforcement of Caltrans Standard Specifications (see Section 10 of the Standard Specifications, titled "Dust Control," as well as Section 7, part 7-1.01F, titled "Legal Responsibilities: Air Pollution Control") and Great Basin Air Pollution Control District's prohibitory rules that apply to activities mentioned in the project description [specifically rule 400–Opacity, rule 401–Fugitive Dust, and rule-402 Nuisance (Ref:

<http://www.arb.ca.gov/drdb/gbu/cur.htm>)] would minimize these concerns. In addition, re-vegetation of all disturbed soil areas along this project would minimize the potential for long-term highway contributions to the already degraded regional levels of PM_{10} .

There would be no major air quality impacts for either alternative because carbon monoxide increases are estimated to be minimal and project-related PM_{10} increases to be controllable.

3.2.5 Noise Levels

The receptors for traffic-generated noise from U.S. 395 are located at the outskirts of the community of Independence. Downtown Independence already has the width necessary to construct either of the two "build" alternatives. Located within town limits and abutting the roadway are two Inyo County parks, a church, several motels, cafes, grocery stores, gift shops, and service stations. There are eight to 10 private residences that receive impacts from highway traffic noise.

The Federal Highway Administration has established five levels of design criteria for acceptable noise levels from roadway traffic. They are based on receptor activities. The one best describing the Independence area is Category B (Exterior of: Picnic areas, recreation areas, playgrounds, sports areas, parks, residences, motels, hotels, schools, churches, libraries, and hospitals). The acceptable noise level for Category B is 67 dBA. If existing worst-case noise levels approach within 1 dBA or exceed the 67 dBA limit, then noise abatement measures must be considered in the environmental document.

3.2.5.1 Noise Impacts

Table 3.1 shows the “worst-case” existing and predicted long-term noise levels for two locations. Worst-case is defined as the one hour when traffic conditions create the highest level noise. In Independence, this is the beginning and ending of a three-day holiday weekend. The nearest Category B receptor is the church located at the southeast corner of Wall Street and U.S. 395 at 13.4 meters (44 feet) from the center of the existing near lane. The speed limit in this area is 40 km/h (25 mph). Just north of Inyo Street, on the east side, is a group of five homes. The closest home (house #3) is 16.5 meters (54 feet) from the center of the existing near lane; the speed limit in this area is 55 km/h (35 mph). These two locations were selected as “worst-case” receptor distances.

Table 3.1: Predicted Peak Hour Noise Levels ¹⁾

Site	Existing 1998	No-Build 2004	Build 4-lane 2004	No-Build 2024	Build 4-lane 2024
Church	66 dBA	66 dBA	67 dBA	67 dBA	68 dBA
W/8-foot Barrier	-	-	61 dBA	-	62 dBA ²⁾
House #3	67 dBA	67 dBA	66 dBA	68 dBA	67 dBA
W/8-foot Barrier	-	-	61 dBA	-	62 dBA ²⁾
House #5	66 dBA	66 dBA	65 dBA	67 dBA	66 dBA
W/8-foot Barrier	-	-	63 dBA	-	64 dBA ²⁾

¹⁾ First and last day of a three-day holiday weekend

²⁾ State highway access openings and side streets preclude 5 dBA reduction

Table 3.1 shows that both existing and future “worst-case” exterior noise levels are within 1 dBA of the Federal Highway Administration-recommended 67-dBA design criterion. The existing (1998) “worst-case scenario” noise level at the church is 66 dBA, increases by one dBA to 67 dBA for the build four-lane scenario in 2004 and increases by one additional dBA to 68 dBA for the year 2024. Differences between the 2024 no-build and build scenarios consist of one dBA: the build scenario being one dBA higher than the no-build scenario for both shown years. The expected reduction achieved with an 8-foot (2.4-meter) soundwall (barrier) would be 6 dBA for 2004 and 2024. Since the church is located in an area with a number of highway access openings and side streets, this reduction can only be achieved in theory. To accommodate these access points, the necessary openings in the wall would preclude a required 5-dBA reduction.

The existing (1998) “worst-case scenario” noise level at house #3 is 67 dBA, decreases by one dBA to 66 dBA for the build four-lane scenario in 2004 and increases by one dBA back to 67 dBA for the year 2024. Differences between the 2024 no-build and build scenarios consist of one dBA: the no-build scenario being one dBA higher than the build scenario in both years. The expected reduction achieved with an 8-foot (2.4-meter) soundwall (barrier) would be 5 dBA for 2004 and 2024. Since house #3 is located in an area with a number of highway access openings and side streets, this reduction can only be achieved in theory. To accommodate these accesses, the necessary openings in the wall would preclude a required 5-dBA reduction.

3.2.5.2 Noise Mitigation

Computer-generated, worst-case, noise levels were found on the church grounds at Wall Street and U.S. 395. Levels consist of 66 dBA for the existing two lanes and a possible 68 dBA by 2024 for either alternative. Noise level comparisons between “build” and “no build” resulted in less than 1.0 dBA difference. Noise level changes of less than 3 dBA are indiscernible by the human ear; therefore, changes created by the proposed project are not considered major.

The group of five homes (e.g., houses #3 and #5 in Table 3.1) on the east side of U.S. 395, just north of Inyo Street, was also analyzed for noise impacts with the same results. These two sets of results, from two different speed zones, suggest that most of the parcels abutting U.S. 395 in town are at or very near the design criteria of 67 dBA during worst-case traffic conditions. Even though these peak-hour noise level impacts occur only at the first and last day of a three-day weekend, the noise issue and possible mitigation/abatement measures are required to be addressed.

Using the Department’s 1998 “protocol” for mitigation/abatement issues, noise barriers are not recommended for use in Independence. Most barrier locations within town would not reduce noise levels effectively because of length restrictions. Studies indicate that side streets and access opening requirements would not permit a 5-dBA noise reduction. Noise barriers are not feasible with a reduction of less than 5 dBA. Some locations could achieve partial noise protection, but the aesthetics compared to the limited benefits would not be reasonable.

Short-term, construction-related noise impacts should also be anticipated within town limits. Construction noise impacts should be reduced by conforming to the provisions of Caltrans Standard Specifications, Section 7-1.01 “Sound Control Requirements.” Contractors would be required to comply with all local sound control and noise level rules, regulations and ordinances that apply to any work performed under the contract.

At the Public Information Meeting (November 2000), residents living at the northeast corner of Inyo Street and U.S. 395 suggested to build a noise barrier (soundwall) along the east side of U.S. 395 and a connector to Inyo Street from the back to accommodate access. As noted above, a sound barrier is not justified or reasonable for this project because the sound reduction would be too minimal to justify the impact of a noise barrier. In addition, the noise barrier would cause a negative visual impact for drivers on U.S. 395 and for the residents of Independence. To create access to the properties, a new road connection would need to be built on the east side of the properties connecting to the north of Inyo Street. This would necessitate an additional crossing with a culvert over Independence Creek, causing disturbances to riparian habitat. In addition, building a noise barrier on the east side of U.S. 395 would necessitate a noise barrier on the west side of U.S. 395, since noise could be reflected from the barriers and have an additional impact on the residences on the west side. This would cause further visual impacts and would create a tunnel vision at the north end of Independence. For these reasons, this alternative was rejected.

3.3 BIOLOGICAL ENVIRONMENT

3.3.1 Endangered and Threatened Species

The terrain in the study area is generally flat or gently sloping to the east, dominated by various scrub habitats including desert saltbush scrub and blackbush scrub. Caltrans conducted a biological evaluation of the proposed project area from May 1999 to May 2000. The Natural Environment Study identifies the biological resources present and assesses potential impacts on any identified sensitive resource within the proposed project limits. In addition to these field surveys, a literature review and records search for sensitive resources within the vicinity of the project study area were completed in 1999. The literature review included public documents, the California Natural Diversity Database, a search of the Maps Tech Terrain Navigator, the Areas of Special Biological Importance maps, as well as standard field guides and texts on sensitive and non-sensitive biological resources. Persons knowledgeable about the project study area were also contacted and consulted. A species list was received from the U.S. Department of Fish and Wildlife on January 9, 2003 (see APPENDIX D). Approximately 81 hectares (201 acres) of desert saltbush and 58 hectares (144 acres) of blackbush scrub would be disturbed as a result of this project.

3.3.1.1 Affected Environment

Habitat types:

Desert Saltbrush Scrub: This habitat type generally contains low-growing, grayish, microphyllous shrubs. These shrubs normally range from 0.3-1.0 meter (1-3.2 feet) tall. Some succulent species may be present. The total cover is often low, with much bare ground between the widely spaced shrubs. These stands typically are strongly dominated by a single *Atriplex* species. Desert saltbush scrub usually occurs on fine-textured, poorly drained soils with high alkalinity and/or salinity. This habitat generally occurs on areas surrounding playas or on slightly higher ground, and is widely scattered on margins of dry lakebeds in the Colorado, Mojave, and Great Basin deserts. Desert saltbush scrub is the primary habitat type found in the project area.

Blackbush Scrub: Blackbush scrub occurs on dry, well-drained slopes and flats with shallow, often calcareous soils of very low water-holding capacity. Shrubs are generally well spaced with crowns usually not touching, and bare ground between plants. These shrubs are usually low and often intricately branched. Blackbush (*Coleogyne remosissima*) is often the sole or dominant shrub. Plant height is usually 0.5-1 meter (1.6-3.2 feet) tall. Due to cold winters and little to no precipitation in the summer, plants are usually dormant in the winter, summer, and fall. Most growth and flowering occurs in late spring. This habitat type often integrates with Great Basin sagebrush scrub, Joshua tree woodland, or pinyon and juniper woodlands, but typically at somewhat lower elevations, with a warmer and drier climate.

Wetlands and Other Waters of the United States: Independence Creek, a jurisdictional “Other Waters of the U.S.” runs through the project limits within Independence. Symmes Creek (intermittent) is a jurisdictional Other Waters of the U.S. located within the project limits south of Independence. The Owens Valley sucker is the most abundant native fish in the Owens River basin where it occupies most of the permanent aquatic habitat on the valley floor and could occur in tributaries of the Owens River. Two additional fish species—the Owens speckled dace and the Owens tui chub—with potential habitat in the area are not likely to be found in the project study

area and were not observed during field studies.

3.3.1.2 Endangered and Threatened Species

A literature search and initial field surveys were used to obtain information relevant to the project. A list of special-status species by the U.S. Fish and Wildlife Service with the potential to occur in and around the project area shows three listed species (please note that only species listed on the Independence United States Geological Survey Quadrangle map in APPENDIX D are applicable). Of these, only two were classified as “endangered” and one as a “candidate” species. Table 3.2 depicts the species mentioned above. The list contains three birds.

Table 3.2: Listed Endangered Species by U.S. Fish and Wildlife Service

Common Name	Species	Status
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	Endangered
Least bell's vireo	<i>Vireo bellii pusillus</i>	Endangered
Yellow billed cuckoo	<i>Coccyzus americanus</i>	Candidate

3.3.1.3 Endangered and Threatened Species Impacts

During the course of biological surveys, special attention was given to all the species listed as potentially occurring within the project vicinity. Although some of these species have the potential to use the habitat within or near the project area (none were observed), based on survey results, provisions, and protocols, no effects are expected to occur to any special-status species as a result of this project. No special-status species were observed within the project study area.

3.3.1.4 Mitigation

The following mitigation, provisions, and protocols would be used to ensure that impacts to biological resources are avoided:

Burrowing Owl

An indirect effect may occur to this species as a result of construction, noise, and temporary disturbances associated with this project. One burrowing owl (*Athene cunicularia*) was observed in the project study area. Several burrows were also observed in the same area. Most of these burrows showed active or recent signs of use.

To avoid or minimize any impacts to burrowing owls, a pre-construction survey of the area would be taken to determine presence/absence of the species. Any ground-disturbing activity can be conducted during the non-breeding season. The official breeding season for migratory birds is February 15 to September 1, according to the Migratory Bird Treaty Act. If ground disturbance activities cannot be limited to the non-breeding season, exclusion devices can be placed to deter burrowing owls from using the area. These exclusion devices would be placed prior to the breeding season. No off-site mitigation would be required.

Owens Valley Sucker

The Owens Valley sucker has the potential to occur in tributaries of the Owens River in the vicinity of U.S. 395 according to communication with Department of Fish and Game biologists. Independence Creek runs through Independence, crosses U.S. 395 and runs into the Owens

River. Any impacts to this species can be minimized or avoided by implementing on-site mitigation including the implementation of construction Best Management Practices relating to stream construction, silt control, and replanting any removed vegetation. Measures would be implemented to maintain a continuous flow both upstream and downstream from the project.

Duff Provisions

Special provisions would need to be taken for excavating, stockpiling, removing from stockpiles, spreading, and compacting duff. Trash and objectionable material would be removed from duff excavation sites prior to duff excavation and disposed of outside the highway right-of-way in accordance with the provisions in Section 7-1.13 of the Standard Specifications. Duff would be placed on designated excavation and embankment slopes prior to applying erosion control materials. Erosion control materials would be furnished and applied.

Migratory Bird Special Provision

It is anticipated that migratory birds may try to nest in vegetation or on structures within the Caltrans right-of-way or easement. If any work would alter vegetation or structures within the Caltrans right-of-way or easement, the contractor shall take measures as necessary to prevent impacts to migratory birds, including any part, nest, or egg or any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, or any such bird or any part, nest, or egg.

3.3.2 Waters of the U.S. Impacts

Jurisdictional Waters of the U.S. are waters that are under the authority of the Army Corps of Engineers as outlined in Section 404 of the Clean Water Act (e.g., creeks, streams, rivers, ponded areas, washes, lakes). The discharge of dredged or fill material into “Waters of the United States” is regulated by the Army Corps of Engineers under Section 404 of the Clean Water Act. “Waters of the United States” are broadly defined in 33 CFR 328.3(a) to include navigable rivers, as well as intermittent streams. The definition also includes tributaries to such watercourses with no stated limits on the order of tributary included as “waters.” The definition also includes wetlands, either isolated or associated with watercourses.

The proposed project crosses three creeks: Symmes Creek (intermittent) south of Independence, Independence Creek (perennial) at the north end of Independence, and Oak Creek (perennial) north of Independence. Project impacts to Other Waters of the U.S. at the three creeks total approximately 0.3 ha (0.73 acre) and would be mitigated as outlined in the 401 (Lahontan Regional Water Quality Control Board) and 404 (Army Corps of Engineers) permits to be acquired prior to construction. Impacts to each creek would be less than 0.5 acre, therefore, requiring a Nationwide Permit #14.

Wetlands do not occur in the project study area.

3.3.2.1 Riparian Areas Impacts

Riparian areas are present in the project study area around Independence Creek. Riparian zones are a very diverse ecosystem made up of the assemblages of plant, animal and aquatic communities whose presence can either be directly or indirectly attributed to factors that are stream-induced or -related. Construction within riparian areas would result in potential temporary and permanent impacts. This would include loss of riparian vegetation, loss of wildlife habitat and, in most cases, increased soil erosion. Temporary and permanent impacts to riparian habitats at Independence Creek (approximately 0.045 acre/0.02 ha) would be mitigated as outlined in the

1602 (California Department of Fish and Game) permit to be acquired prior to construction. At Independence Creek, fewer than 10 riparian trees would have to be removed. There are no riparian habitats affected at Symmes and Oak creeks. Erosion control and habitat enhancement in active channels and riparian corridors consist of the following techniques: grading, bio-technical slope and bank stabilization, mulches and tackifiers, erosion control blankets and plantings. An additional mitigation consists of the eradication of the invasive plant Tamarisk from the project vicinity.

3.3.2.2 Mitigation, Riparian Area Re-Vegetation and Erosion Control

Mitigation associated with the proposed project would be outlined in detail in the permit processes (Army Corps of Engineers 404, Lahontan Regional Water Quality Control Board 401, California Department of Fish and Game 1602) before construction. On-site mitigation would consist of re-vegetation efforts and the implementation of Best Management Practices during construction.

Soil erosion could be caused by wind and/or water. Wind-borne dirt and dust are of particular concern in Inyo County during and after construction. If feasible, it is recommended to use on-site materials, including willows, grass sod and topsoil for re-vegetation and erosion control. Three species of willow occur in drainages in the project area and should be used for this purpose:

- Narrow-leaf willow (*Salix exigua*) is a large shrub easy to establish and an excellent soil stabilizer
- Red willow (*Salix laevigata*) is a small tree and usable if salvaged
- Goodding's willow (*Salix gooddingii*)

Final grade for re-vegetation should be rough, unless erosion control blankets or netting are used. All compacted soils should be ripped or loosened prior to re-vegetation treatment. Soil loosening should be conducted to match existing ground contours.

New culverts would be installed at Symmes and Independence creeks for the new lanes, and culverts in the existing lanes would be replaced. At Symmes Creek, Caltrans plans to increase the culvert size to approximately 3.05 meters (10 feet) in height and 3.05 meters to 3.66 meters (12 feet) in width that would provide for a wildlife and cattle crossing under U.S. 395. The rock slope protection to be placed for the new culverts would require clean or washed material to minimize sediment addition to the creeks. After completion of removal of the old culverts, the creek slopes would be re-vegetated and re-contoured to conform to the existing banks. The culverts would be constructed, maintained and placed in operation to allow sufficient water to pass between downstream and upstream locations for maintaining aquatic life in near-original conditions.

When work in the creeks is unavoidable, the entire stream flow for the perennial Independence Creek would be diverted around the work area by a temporary barrier and/or diversion. Channel banks or barriers would not be made of earth or other substances subject to erosion unless first enclosed by sheet piling, rock riprap or other protective material. The enclosure and the supportive material would be removed when the work is completed, and removal shall normally proceed from downstream in an upstream direction. Work in the intermittent-flowing Symmes Creek would be conducted during the no-flow season.

Silty or turbid water would not be discharged into the stream and would be settled, filtered or otherwise treated prior to discharge. This requires silt filter barrier material or sediment curtains

be placed so silt or other deleterious materials are not allowed to pass to downstream reaches during project activities.

Construction of the new culverts and removal of the existing culverts would be completed without deposit of construction material, pollutants or debris into the river. Water containing mud, silt or other pollutants from aggregate washing or any other construction activity would not be allowed to enter the stream or placed in locations that may be subjected to high storm flows.

Areas of disturbed soils with slopes toward a stream, such as roadway shoulder areas, would be stabilized to reduce erosion potential. Where possible, stabilization would include the re-vegetation of stripped or exposed areas with vegetation native to the area. The use of native seed and straw would be acceptable in these areas. Where suitable vegetation cannot reasonably be expected to become established, non-erodible materials may be used for such stabilization.

Spoil sites would not be located within the creeks where spoil could be washed back into a stream or cover aquatic or riparian vegetation. Any materials placed in seasonally dry portions of a creek that could be washed downstream or be deleterious to aquatic life would be removed from the project site prior to inundation by high flows.

Staging/storage areas for equipment and materials would be located outside of the creeks or associated riparian habitat areas. Any equipment or vehicles driven and/or operated within or adjacent to the creeks would be checked and maintained daily to prevent leaks of materials that could be deleterious to aquatic life. No equipment maintenance would be done within or near any creek channel or waters where petroleum products or other pollutants from the equipment may enter these areas under any flow.

No debris, soil, silt, sand bark, slash, sawdust, rubbish, cement or concrete or washings, oil or petroleum products or other organic or earthen material from any maintenance, construction, or associated activity of whatever nature would be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters. When operations are completed, any excess materials or debris would be removed from the work area. No rubbish shall be deposited within 50 meters (150 feet) of the high water mark. The clean-up of all pollution spills would begin immediately. The operator would notify the Department immediately of any spills and would consult with the Department regarding clean-up procedures and requirements.

3.3.3 Agricultural Land

The relative level of importance of farmland impacts for highway projects is determined through the use of the National Resource Conservation Services Form AD-1006 (included as APPENDIX B) as required by the Federal Farmland Protection Act. Twelve criteria are evaluated, including area characteristics, farming unit size, farm support service availability, compatibility with existing agricultural use and relative value of farmland that would be converted. Corridors that have a score of 160 or greater are considered to have a higher degree of impact and are suitable for protection. In these cases, alternatives that have fewer farmland impacts and a lower score must be considered. The score for both project build alternatives was 25.

Both build alternatives do not affect prime, unique, statewide or local important farmland. The highway project would be compatible with existing agricultural use.

3.4 SOCIAL AND ECONOMIC IMPACTS

3.4.1 Historic/Cultural Resources

3.4.1.1 Introduction

Research indicates that humans have occupied the region east of the Sierra Nevada for at least the past 10,000 years. While Early-Holocene occupation within the region is represented by a few scattered sites, a sequence of temporal periods has been developed for the greater number of more recent sites: Mohave Period (pre-6000 B.C.); Little Lake Period (ca. 4000 B.C. to 1200 B.C.); Newberry Period (1200 B.C. to A.D. 600); Haiwee Period (A.D. 600 to 1300); and, Marana Period (A.D. 1300 to 1850). These periods are defined primarily on stylistic and technological changes to cultural remains that reflect an increasing social and economic complexity from one period to the next. Prehistoric resources known to exist within the general area include rock art sites, sherd and lithic scatters, stone tool quarry stations, boulder mortar/slick milling stations, and prehistoric trails.

The people who inhabited the valley at the time of the first Euro-American incursions have been identified as the Owens Valley Paiute. This broad grouping was divided into several political and dialectic subdivisions. The settlements within these subdivisions were focused around semi-permanent lowland villages, with short-term exploitation of neighboring areas for seasonally available resources. They maintained a complex sociopolitical organization that acted to even-out local and regional variation in resource availability including using irrigation techniques to encourage the growth of native plants. The nearest Native American community to the highway project is the Fort Independence community of Paiute.

The history and development of the Owens Valley are defined by the themes of exploration, mining, agriculture, community development, water exploitation, tourism and transportation. Most notably for the project area are the development of the Independence town site as the county seat and residential community and its connection with surrounding areas through the development of the road system into present-day U.S. 395.

3.4.1.2 Cultural Resources

Cultural resource investigations were carried out by architectural, archaeological, historical, and ethnographic specialists to inventory and evaluate all potential historical properties within the Area of Potential Effects. These investigations resulted in the documentation of 65 architectural resources, 19 archaeological resources, one private cemetery, and one historic roadway. No Traditional Cultural Properties such as resource collection areas or spiritual locations were identified by the investigations. All of these resources within the Area of Potential Effects have been evaluated for their eligibility to be listed on the National Register of Historic Places (36 CFR 60.4). Eight of the architectural resources are eligible for listing on the National Register of Historic Places:

- Stone House at 620 S. Edwards Street, a 1920s residence
- Pines Café, Period of significance 1887–1954
- Inyo Masonic Lodge, 1923
- Residence at 227 S. Edwards Street, 1930
- Thomas Edwards House, 1865
- Independence Post Office, 1919–1927
- Winnedumah Hotel, 1927

- Commander's House, 1872

In addition, the Inyo County Courthouse is listed on the National Register of Historic Places [The William Weeks' 1921 Inyo County Courthouse (#97001664).].

Thirty-six properties are not eligible for the National Register of Historic Places, and the remaining 20 properties were treated in accordance with the June 1, 2002 "Interim Policy for the Treatment of Buildings Constructed 1957 or later." There is no potential for a National Register of Historic Places-eligible district or cultural historic landscape within the Area of Potential Effects that would include the properties as potential contributors.

In addition, the Levy Family Cemetery and the Inyo County Wagon Road have been evaluated for their National Register of Historic Places eligibility, but have been determined ineligible. The Levy Family Jewish Cemetery is a 1.25-acre plot of land north of the Independence town area. The County Wagon Road was the major north-south artery in Inyo County from the 1850s through to the late 1920s when it was incorporated into the State Highway System. Realignment and paving of the former dirt tracks have resulted in its descendent, U.S. 395, which serves the same function today. These two resources are not associated with any person or event beyond the local level of importance under criterion (a) and (b) and their potential for yielding historical information as defined by criterion (d) is extremely unlikely.

Six prehistoric archaeological sites—CA-INY-5397/H, -5757, -5759, -5761, -5763 and -5764—are National Register of Historic Places-eligible for their potential to yield information important in prehistory or history under criterion (d). These sites have discrete depositional loci and intact residential features that contain concentrations of datable artifact and dietary debris and can be applied as data to a broad range of important research issues in prehistory. Each eligible site is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place.

The other 12 archaeological sites (seven historic period trash concentrations, the Anton Homestead, three prehistoric sites and the Oak Creek/Independence Trail) and the entire 90-mile length of the Inyo County Wagon Road are ineligible for listing on the National Register of Historic Places.

3.4.1.3 Cultural Resources Impacts

Six prehistoric archaeological sites—CA-INY-5397/H, -5757, -5759, -5761, -5763 and -5764—are National Register of Historic Places-eligible for their potential to yield information important in prehistory or history under criterion (d). Each eligible site is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place.

CA-INY-5397/H

This site is an extensive accumulation of prehistoric and historic debris. Project construction activities at this location would include the grading of a new road base, construction of the new highway surface and a sidewalk. Mitigation for the effects on the sidewalk construction within the locus include Phase III data recovery work and the preparation of a technical report. Effects to the remaining portion of this locus can be negated by establishing an Environmental Sensitive Area along the eastern edge of the sidewalk construction area.

CA-INY-5757

Construction activities would involve the stripping of the larger vegetation, excavation for roadbeds and grading of earth. In addition, the area is subject to periodic flood conditions that would require enhanced water drainage. Mitigation for the effects on this site include Phase III

data recovery work and preparation of a technical report.

CA-INY-5759

Two discrete loci and part of a historic trail were identified at the site. Extensive construction activities would require that vegetation is stripped from the majority of the site area, and grading would be done throughout the area to facilitate drainage around the newly constructed roadway. Mitigation for the effects on this site include Phase III data recovery work and preparation of a technical report.

CA-INY-5761

Highway construction activities would widen the pavement surface to continue the four-lane configuration in the vicinity of this site. This would be limited to the existing highway right-of-way limits due to the close proximity of structures. A sidewalk would be constructed along the edge of the pavement. Mitigation for the effects on this site include Phase III data recovery work and preparation of a technical report.

CA-INY-5763

Evaluation efforts have identified five discrete prehistoric loci and one non-locus faunal bone concentration. Because this resource is situated along a portion of the highway that already has a four-lane design, little new highway construction is proposed for the area. Construction activities would widen and repair the shoulders of U.S. 395 and Ft. Independence Road within the existing highway right-of-way. Vegetation stripping and movement of heavy equipment may take place anywhere within the designated Area of Potential Effects limits. Three of the loci are within the Area of Potential Effects limits. Locus 1 extends within the existing right-of-way of U.S. 395 and would be affected by construction activities. Mitigation for the effects on this locus include Phase III data recovery work and the preparation of a technical report. Because Locus 2 and Locus 4 are situated some distance from the proposed construction, the effects to any National Register of Historic Places-contributing portion of these loci can be negated by establishing an Environmental Sensitive Area.

CA-INY-5764

This site is an extensive accumulation of prehistoric and historic debris. Investigations found two discrete prehistoric loci and one historic concentration amongst a general scatter of prehistoric and historic artifacts. These deposits can be applied to address research issues related to late regional chronology, settlement pattern and mobility, subsistence intensification, and economic and sociopolitical organization. This site is eligible based on its demonstrated data content and high degree of stratigraphic/temporal integrity. The site is eligible for listing in the National Register of Historic Places under criterion (d). Effects to CA-INY-5764 can be negated by establishing an Environmental Sensitive Area, since it is out of the area of direct impact and would not be adversely affected by the project.

No impacts are expected to occur to any of the architectural resources.

3.4.1.4 SHPO Concurrence and Cultural Resources Mitigation

In accordance with regulations implementing the National Historic Preservation Act, concurrence from the State Historic Preservation Officer was sought that six of the archaeological properties and eight of the historical, architectural properties within the project Area of Potential Effects were eligible for the National Register of Historic Places.

The State Historic Preservation Officer concurred in a letter dated March 20, 2002 (included in APPENDIX C) that the Inyo County Wagon Road (CA-INY-4590H) and the Levy Family Jewish Cemetery are ineligible for inclusion on the National Register of Historic Places.

After initial comments by the State Historic Preservation Officer requesting additional information for 22 architectural properties, Caltrans submitted a Supplemental Historic Architectural Survey Report. The original determination of the potential for an Independence Historic Commercial District was revised after additional fieldwork and it was determined that there is no potential for a historic district in the Area of Potential effects as stated in the Supplemental Historic Architectural Survey Report. In a letter dated December 27, 2002, the State Historic Preservation Officer concurred (included in APPENDIX C) that the Inyo County Courthouse is listed on the National Register of Historic Places and eight additional properties are eligible and the remaining 56 properties ineligible for the National Register of Historic Places.

The State Historic Preservation Officer concurred in a letter dated March 22, 2003 (included in APPENDIX C) that the six prehistoric archaeological sites—CA-INY-5397/H, -5757, -5759, -5761, -5763 and -5764—are National Register of Historic Places-eligible for their potential to yield information important in prehistory or history under criterion (d).

A Finding of Adverse Effect and Memorandum of Agreement and Data Treatment Plan have been prepared. These documents state that the project would have an adverse effect on five prehistoric archaeological sites. The adverse effects to the sites could be mitigated by a data treatment program, establishment of Environmental Sensitive Areas and preparation of technical reports. Eligible site CA-INY-5764 would not be adversely affected through the establishment of an Environmental Sensitive Area. Some minor project redesign to minimize impacts has occurred but, due to the location of the sites and the type of project, impacts were not completely avoidable. The Data Treatment Plan was submitted to the State Historic Preservation Officer for review and comment prior to the final environmental document being approved.

Adverse effects to the eligible archaeological sites would be mitigated under the terms of the Memorandum of Agreement negotiated between the Federal Highway Administration and the State Historic Preservation Officer. The Advisory Council on Historic Preservation had an opportunity to review and comment on the Memorandum of Agreement and concurred. The Federal Highway Administration, State Historic Preservation Officer and Caltrans have concurred on this Memorandum of Agreement. Concurrence from the State Historic Preservation Officer was received for the Finding of Effect and Data Recovery Plan (Appendix J) on March 3, 2004 and a copy of the Memorandum of Agreement between FHWA and SHPO is included in Appendix K.

Additional cultural work would be needed before construction as described in the Data Treatment Plan. If buried cultural materials were to be unearthed during construction, Caltrans policy states that work must be halted in the vicinity of the find until a qualified archaeologist can assess its significance. If human remains are unearthed during construction, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the county coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. In addition:

- Recorded portions of the site outside the Area of Direct Impact would be designated as Environmental Sensitive Areas during construction.
- Archaeological monitoring would also be undertaken during construction as insurance against unanticipated effects upon the site.

3.4.2 Paleontological Impacts

A record search of the June 1, 2000 paleontological database showed only low sensitivity for the limits of this project. Therefore, no impacts are anticipated.

3.4.3 Community Impacts

Socioeconomic and land use impacts resulting from the proposed U.S. 395 improvements are described in detail by type of impact and by alternative in the Community Impact Assessment prepared by Caltrans (June 2001). According to the document, Alternative 2a would result in some minor impacts related to availability of parking spaces for businesses in Independence while increasing traffic flow and the opportunity for vehicles to make left turns onto and off of U.S. 395. In addition, pedestrians can find partial refuge when crossing U.S. 395 outside of marked street crossings. Mitigation for the loss of parking on U.S. 395 and some minor inconvenience to customers is not suggested because creating a separate parking lot would not likely help any of the businesses. Due to the unavailability of centrally located properties, parking on a newly created parking lot would most likely not be accepted by customers since parking on side streets would be more conveniently located.

3.4.4 Potential Impacts to Public Parks

There are two public parks located in the project study area. At the south end of Independence, the Independence Roadside Park lies on the west side of U.S. 395 just north of Mazourka Canyon Road/Citrus Ave. The property is owned by the Los Angeles Department of Water and Power and leased to Inyo County. The property is an enhancement/mitigation project under an Inyo County and Los Angeles Department of Water and Power water agreement. Both project build alternatives propose to install sidewalks on the east side of the park along U.S. 395. No right-of-way would be needed from the park. However, to install sidewalks along the Caltrans right-of-way, temporary construction impacts are likely. Impacts can be minimized through careful construction practices and mitigated through the restoration of disturbed areas.

At the north end of Independence, Dehy Park lies on the west side of U.S. 395. The park property is leased by Inyo County from the Los Angeles Department of Water and Power. The current access is from U.S. 395, but future expansion plans propose to move access to the west side of the park. Dehy Park lies in the existing transition from a four-lane conventional highway to a two-lane highway. To design Alternatives 2a and 2b and correct the existing curve, a small sliver of park property is needed to construct sidewalks in this area. The total area needed amounts to approximately 61 square meters (657 square feet)¹ or roughly 0.75 percent (0.006 hectare/0.015 acre) of the total park property (approximately 2 acres = 88,600 square feet). After consultation with the park owner (Inyo County) and the property owners (Los Angeles Department of Water and Power and Inyo County), the decision was made to install sidewalks adjacent to the park to improve Dehy Park. There was no objection to the taking of the small piece of property from the property owners (Inyo County and Los Angeles Department of Water and Power) and the park administrator Inyo County (Chuck Hamilton, Inyo County, pers. comm./letter from Inyo County, Appendix E).

In addition, approximately 138.68 square meters (1,492.78 square feet) of Dehy Park property is needed to create a permanent drainage easement on the west side of U.S. 395. This easement is

¹ The needed area calculates from 43 square meters (0.004 hectare/0.011 acre) of Inyo County property and 18 square meters (0.002 hectare/0.004 acre) of Los Angeles Department of Water and Power property. Both areas are considered part of Dehy Park.

necessary to maintain the culvert upstream of U.S. 395. Most of the proposed easement needed is located in Independence Creek, with the remaining area on the creek banks. The Los Angeles Department of Water and Power would keep ownership of the property, granting Caltrans an easement to maintain its culverts, to formalize what has been in place for the last 10 years.

The extension of the culvert on the east side of U.S. 395 requires placing sandbags on the west side of the highway to divert the creek. The sandbags would create a 298-square-meter (3,208-square-foot) temporary construction easement area on Dehy park property. The disturbed area would be completely restored after completion of the project.

3.4.5 Right-of-Way

Both build alternatives would have new right-of-way needs of approximately 24 ha (60 acres). The vast majority of this property lies outside the town of Independence, with the land owned by the Los Angeles Department of Water and Power, which is aware of this project and has been kept informed on the design and right-of-way needs during consultations and project development team meetings. In addition, some minor amounts of Inyo County property in the vicinity of Dehy Park would need to be acquired for the construction of sidewalks.

The Draft Relocation Impact Study prepared by Caltrans revealed that no relocation assistance was necessary on the alternatives studied. For a copy of the Draft Relocation Impact Study, see APPENDIX F.

3.4.6 Environmental Justice

This project has been developed in accordance with the Civil Rights Act of 1964, as amended, and Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.” Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations*, signed by President Clinton on February 11, 1994, directs federal agencies to take the appropriate and necessary steps to identify and address disproportionately high and adverse “effects of federal projects on the health or environment of minority and low-income populations to the greatest extent practicable and permitted by law.” No Native American property or low-income housing is involved in this project since the additional right-of-way needed on this project would be purchased from the Los Angeles Department of Water and Power. No minority or low-income populations have been identified that would be adversely affected by the proposed project as specifically required by Executive Order 12898 regarding environmental justice.

3.4.7 Visual Analysis

The project area is situated in the Owens Valley along the Sierra Nevada mountains at the foot of Mount Williamson (14,375 feet), the second highest peak in California. In visual contrast to the mountains, the surrounding valley is open grazing land and minor agricultural fields.

Independence Creek flows down from the mountains through the town of Independence. Visual quality is considered one of the area’s greatest resources. The natural beauty is vital to the tourist industry and to the area’s quality of life.

U.S. 395 runs through the center of Independence and is flanked by gasoline stations, motels, small businesses, churches, parks, the historic Inyo County Courthouse (circa 1922), and other miscellaneous structures. Some of these structures are set back from the highway with landscape plantings, driveways or parking lots. Many structures and storefronts abut the state right-of-way. A few of the businesses have trees and landscaping within the state right-of-way. There is no

civic unified association to these structures or plantings; they appear visually detached and random. Many of the street improvements (sidewalks, curbs, and drainage structures) appear fragmented, out of alignment and of varying degrees of repair and visual quality.

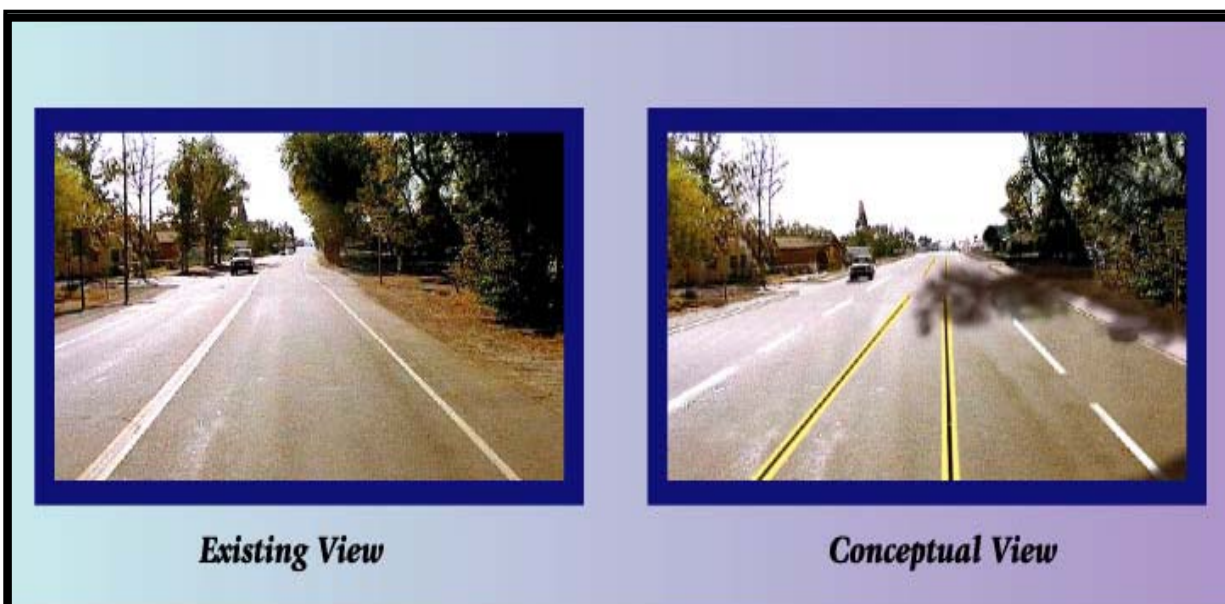
At the north end of the town along the highway, there are a few residential and ranch properties. Some of these areas are separated visually from the roadway by brushy hedgerows and trees growing within the state right-of-way. Many of these plantings are “volunteers” of exotic species and remnants of old windbreaks, giving this section of town a “rural” character. A great portion of the trees (along the east side of the roadway) has been severely truncated due to power line clearance work over the years. Independence Creek flows through this area forming the northern boundary of Dehy County Park and passing under U.S. 395 through a culvert.

At the town limits, the “landscape character” changes to the familiar native big sagebrush scrub vegetation, with remnants of pioneer-planted windbreak trees and agricultural fields used for cattle. The view of the surrounding mountains is unimpeded. The valley landscape is subordinate to the dynamic value of the surrounding panorama. However, it provides a familiar texture for the motorist traversing this long drive and provides the opportunity for viewing the character of the natural landscape.

3.4.7.1 Visual Impacts

This widening project would not have an impact on the visual quality of the surrounding viewshed. Streamlining the existing highway and reducing traffic congestion may enhance the views of motorists. Within the town of Independence, the visual impact may be more pronounced. Individual trees and clusters of vegetation would be removed to accommodate the roadway widening and construction of other street improvements within the right-of-way. At the north end of town, a necessary re-alignment of the existing road would cause the removal of hedges and trees along this part of the route (see Figure 6). This would have an effect on the “rural character” of this residential district and would increase the visibility of the highway from these properties. Outside the town limits, this project would cause new grading and the removal of native vegetation.

Figure 6: North side of Independence, Before and After View



Visual quality within the town of Independence would be enhanced with the installation of new sidewalks, curbs and gutters. These improvements would create a more unified appearance to the Central Business District, giving the area a “face-lift” and strengthening the visual character that is now fragmented.

The removal of screening plants along the roadway at the north end of town may have a negative visual impact for the property owners. Their view of the road and traffic would increase. There is sufficient private property area for the re-establishment of screen plantings if the property owners choose to install landscaping. However, it would be several years before these new plantings mature enough to have similar visual quality and landscape value. Should the property owner choose to plant vegetation/trees on his/her property, he or she would be responsible for maintenance.

Outside the town limits, any new cuts and fills created by this project should be graded to blend with the surrounding landforms. They should have a rolling surface without sharp edges, and the slopes should be left with a “rough” texture to promote re-vegetation. In addition, topsoil or “duff” should be stripped from all newly graded areas, stockpiled and replaced on the finished grade to return the native seed stock to the disturbed areas. This grading and erosion control mitigation with the addition of native seeds and wildflower, applied during construction, would promote the re-establishment of a strong stand of native vegetation, returning the visual character to the original quality of the natural landscape.

3.4.7.2 Visual Mitigation

Possible mitigation measure for the removal of greenbelt along the northern section of the town might include replacement trees to the county for Dehy Park and to property owners for replanting in areas affected by right-of-way tree removal.

3.4.8 Construction Activities

Construction would generate temporary delays, noise and dust. The contractor would be required to comply with all local noise control regulations and ordinances. Dust would be controlled by standard construction practices such as spraying of disturbed areas with water, constraints on work on windy days, and erosion control measures after construction. This project is also subject to Air Pollution Control District regulations to control dust emissions from human activities. Rule provisions require that disturbed areas, which are not actively used for seven days, be stabilized to limit visible dust emissions; ground-disturbing activities be undertaken with appropriate dust control measures during disturbance; visible dust emissions from on-site unpaved roads and off-site unpaved access roads be effectively limited; and accumulated mud or dirt be removed from public paved roads, including shoulders, adjacent to construction.

Construction in the town of Independence would take about three to five months and would cause some temporary disruption and inconvenience to businesses and residents. Temporary traffic congestion would occur during major holidays and peak traffic times. To minimize impacts, half-width construction carrying traffic on the other half would be required during this phase of the project. Sidewalk replacement would probably be very disruptive to individual businesses and would be minimized by requiring sidewalk closures to be at night and by extensive communication between the Caltrans construction staff and the community. To minimize disruptions to the community and to the travelling public, a *Preliminary Traffic Management Plan and Checklist* has been prepared outlining special provisions and the maximum allowable delay during construction. A more detailed Traffic Management Plan would be prepared before construction begins.

Portable concrete batch plants and AC batch plants are associated with this project. The operator of these plants would comply with all environmental requirements. An aggregate crushing and screening plant would potentially be needed within the Caltrans right-of-way and the contractor would comply with all environmental requirements.

Compliance with regulations and standards would reduce the remaining impacts to a level of no significance.

Studies were conducted in March 2001 to determine the presence of aerially deposited lead. Laboratory testing of soil samples collected by the contractor at selected locations indicated that the total lead concentration was relatively low. One location, however, had concentration in excess of 350 milligrams per kilogram (mg/kg). The area of soil boring 339 at the intersection of U.S. 395 and Mazourka Canyon Road (approx. KP 117.50/PM 73.01) should be excavated prior to commencement of the project. The area of excavation should be approximately 76 square meters (821 square feet) and 30 centimeter (one foot) in depth. If this area were disturbed, disposal in a Class I facility would be required.

Prior to any excavation or other disturbance of the soil in the project boundaries, a project-specific Health and Safety Plan must be developed that is designed to prevent or minimize exposure of employees to the potential lead hazard.

The required elements of the site safety plan are contained in Title 8, California Code of Regulations (CCR), Section 5192(b) (4) (B) and the Occupational Safety and Health Guidance Manual published by the National Institute of Occupational Safety and Health, Occupational Safety and Health Administration and U.S.EPA. Prior to performing any work in areas containing lead, personnel who have no prior training or are not current in their training status, including state personnel, shall complete a safety-training program, which meets the requirements of Title 8, CCR Section 1532.1.

3.5 Cumulative Impacts

Cumulative effects are a concern where proposed projects may reinforce each other's stimulative effects on development interests and create multiple demands on an area's resources and ability to accommodate growth. Cumulative impacts can result from individually minor but collectively substantial effects of projects taking place over a period of time. Due to the constraints on available water and land, no large commercial or residential developments are currently proposed or planned in the project vicinity in Inyo County that would have any major effect on the highway project.

Two transportation projects in the region connect directly into the Independence project with the same purpose and need as the Independence project by increasing capacity, providing route continuity and improving safety. Immediately south, construction of the Manzanar Four-lane Widening project is being proposed from KP 104.6 to 114.6 (PM 65.0/71.2) for 2005. A wide median would provide for safe crossings for wildlife. Linking into the Independence project to the north of Independence, Caltrans proposes to improve U.S. 395 from KP 124.4 to 147.4 (PM 77.3/91.6) (called the Black Rock project) in Inyo County. Currently, the project is in the draft environmental phase and is programmed for construction in 2005.

Because of existing constraints imposed by water and land availability, the project is not expected to substantially accelerate or induce growth in the region. In addition, there would be no other cumulative impacts than to the small number of cultural sites, which would be offset by a Data Treatment Plan.



4 PUBLIC PARTICIPATION AND INFORMATION

Members of the public had numerous opportunities to participate or give input in the project development process.

Public Meetings

A Public Information Meeting was held on February 13, 1997 in Independence to introduce the project alternatives to the public.

A second Public Information Meeting/Open House was held April 19, 1999 at the American Legion Hall in Independence, California. The purpose of this meeting was to get public input, to update the public on the progress of the engineering and environmental studies and to answer questions concerning the project. Exhibits described the environmental process and preliminary project alternatives. The public was informed about this information meeting through flyers, mail, email, announcements on the radio and publications in local newspapers. Approximately 170 local residents and public officials attended the meeting. Information was provided about the seven project alternatives, in addition to the No-Build Alternative.

Objections and concerns were raised against bypassing the town of Independence. Only two of the total 98 comments received were in favor of any type of bypass. Approximately 28% (27 individuals) of the public preferred Alternative 2a (Through Town without Parking with a 12-foot two-way left-turn lane) in Independence. Approximately 34% (33 individuals) of the public preferred Alternative 2b. Twelve people were in favor of the No-Build Alternative. Copies of the Executive Summary Record of the Public Information Meeting can be obtained from the Caltrans office at 2015 E. Shields Ave. Suite 100, Fresno, CA 97726.

A third Public Information Meeting/Open House was held November 1, 2000 to inform the public about the progress of the environmental studies and the changes to the design since the last public information meeting in April 1999. A more detailed design of Alternatives 2a and 2b were presented. The other remaining alternatives had been withdrawn from consideration for a variety of environmental reasons. Of the 18 total comments received, 11 expressed a preference for a specific alternative. One person preferred Alternative 2a, compared to seven people favoring Alternative 2b (with parking). Three people preferred Alternative 1, the No-Build Alternative.

On February 10, 2003, a fourth Public Meeting was held at the American Legion Hall in Independence, in coordination with the Manzanar and Black Rock projects to update the public on the four-lane widening projects in the area.

On July 2, 2003, Caltrans conducted a Public Hearing to inform the public of the three available alternatives and the impacts the proposed project would have on the environment. The public comment period ended on August 2, 2003. A total of 21 comments were received: one through the State Clearinghouse, Office of Planning and Research; nine written comments during the Public Hearing; one comment was given to the court reporter during the Public Hearing; five were sent through the U.S Postal Service; three through e-mail; and two phone calls were received. Of those 21 comments, one was in favor of Alternative 2a and 14 were in favor of Alternative 2b.

The remaining people or agencies did not refer to a preferred alternative, but had additional questions or comments. Two people were concerned about effects the proposed project might

have on the Jewish Cemetery at the north end of Independence on the west side of U.S. 395, two people questioned what the state can do to reduce the speed in Independence, and two people wanted a pedestrian overcrossing. See APPENDIX I for the actual public comments and the responses to comments.

Project Development Team Participation

A representative of the town of Independence, Mr. Richard White, and a representative of the Independence Chamber of Commerce, Ms. Arlene Grider, participated at Project Development Team meetings throughout the planning process.

Environmental Document Circulation and Review

The Initial Study/Environmental Assessment was circulated for public review and comment between June 2, 2003 and August 2, 2003. The Initial Study/Environmental Assessment was circulated to interested public agencies and local agencies, and public notices were sent out to approximately 500 property owners and members of the public. Public Notices were published in the *Inyo Register* newspaper, and copies were sent to three local libraries. In addition, the environmental document was available on the Caltrans District 9 webpage.

5 CONSULTATION AND COORDINATION

U. S. Fish and Wildlife Service: Caltrans contacted the U.S. Fish and Wildlife Service on June 14, 1999. On July 26, 1999, Caltrans received a list of endangered and threatened species that might be present in the project area.

There has also been coordination with the **Los Angeles Department of Water and Power** about the location and type of cattle undercrossing at Symmes Creek, access and right-of-way acquisition in the project area.

In addition, there has been contact with the **Inyo County Local Transportation Commission** and **Inyo County Planning Department**, represented by Mr. Jeff Jewett, who is the director of Inyo County Public Works, Executive Director of the Local Transportation Commission and a nonvoting member of the Inyo County Planning Commission.

Coordination has been maintained through the various inventory and evaluation phases with **Native American agencies** and the local Native American community. The **Native American Heritage Commission** was initially contacted to identify any local Native American groups and interested individuals that might have interest in the project.

The following agencies have been contacted to coordinate the efforts for this project and to obtain comments on the cultural work:

- Fort Independence Community of Paiute
- Bureau of Indian Affairs, Sacramento
- Bureau of Land Management, Bishop
- California Division of Forestry, Fresno
- Eastern California Museum, Independence
- Inyo County Department of Public Works, Independence



6 LIST OF PREPARERS

This Environmental Assessment/Initial Study and the supporting technical reports and analyses were prepared by the following individuals:

Caltrans

David Armes, Caltrans, Biologist
Bart De La Cruz, Caltrans, District 9, Project Engineer
Truman Denio, Caltrans, District 9, Hydraulics
Mike Donahue, Chief, Southern Sierra Environmental Branch
Jim Fisher, Caltrans, Architectural Historian
David Grah, Caltrans, District 9, Project Manager
Susan Greenwood, Caltrans, Technical Studies Unit
Carl Haack, Caltrans, Project Manager
Craig Holste, Caltrans, District 9, Project Engineer
Ahmad Kashkoli, Caltrans, Technical Studies Unit
Jim Kemp, Caltrans, District 9, Transportation Engineer, Technical Studies Unit
R. Steve Miller, Caltrans, District 9, Landscape Architect
Tom Mills, Caltrans District 9, Archaeologist and Native American Coordinator
Jim Pittman, Caltrans, District 9, Landscape Architect
Mark Reistetter, Caltrans, District 9, Project Engineer
Tim Shultz, Caltrans, District 9, Project Manager
Nick Sprague, Caltrans, District 9, Project Engineer
Juergen Vespermann, Caltrans, Associate Environmental Planner
Karen (Taylor) Wesling, Caltrans, District 9, Project Engineer
Brian Wickstrom, Caltrans, Archaeologist
Bryan Winzenread, District 9, Project Manager

Federal Highway Administration

Dominic Hoang, Transportation Engineer
Gary Sweeten, Environmental Specialist

7 REFERENCES

Archaeological Survey Report, Caltrans, October 2000

Natural Environment Study, Caltrans, October 2000

Historic Architectural Survey Report, Caltrans, October 2000

Supplemental Historic Resource Evaluation Report, Caltrans, October 2000

Historic Property Survey Report, Caltrans, March 2001

Technical Environmental Document, Air, Noise, Water, Energy, Hazardous Waste, Caltrans, November 1999

Visual Assessment, Caltrans, October 2000

Community Impact Assessment, Caltrans, June 2001

Lead Study, IT Corporation, June 26, 2001

Preliminary Traffic Management Plan and Checklist, Caltrans, October 2000

Draft Relocation Impacts Study, Caltrans, August 2001

APPENDIX A: Floodplain Evaluation Report Summary

Floodplain Evaluation Report Summary

Dist.: 09 Co.: INY Rte.: 395 P.M.: 70.3/76.3 K.P.: 113.1/122.8

Project No.: EA 09-214800

Bridge No.: NA

Limits: In and near the community of Independence from 2.7 miles (4.4 km) south of Mazourka Canyon Road to 0.6 miles (0.6 km) north of Shabbell Lane.

Floodplain Description: Within the project limits the highway crosses Independence Creek Floodplain and several ephemeral drainage channels and swales.

	Yes	No
1) Is the proposed action a longitudinal encroachment of the base floodplain?	<u> </u>	<u> X </u>
2) Are the risks associated with the implementation of the proposed action significant?	<u> </u>	<u> X </u>
3) Will the proposed action support probable incompatible floodplain development?	<u> </u>	<u> X </u>
4) Are there any significant impacts on the natural and beneficial floodplain values?	<u> </u>	<u> X </u>
5) Routine construction procedures are required to minimize impacts on the floodplain. Are there any special mitigation measures necessary to minimize impacts or restore and preserve natural and beneficial floodplain values? If yes, then explain.	<u> </u>	<u> X </u>
6) Does the proposed action constitute a significant floodplain encroachment as defined in 23 CFR, Section 650.105(q).	<u> </u>	<u> X </u>
7) Are Location Hydraulic Studies that document the above answers on file? If not, explain.	<u> X </u>	<u> </u>

PREPARED BY:

Truman Plow

Signature- District Hydraulics Engineer

8/31/99
Date

Mike Womack

Signature- District Environmental Branch Chief

9/17/99
Date

John C. [Signature]

Signature- District Project Engineer

8/31/99
Date

I CONCUR:

Robert [Signature]

Signature- FHWA

9/28/99
Date

Location Hydraulics Study

For Proposed Project:

09-INY-395- PM 70.3/76.3 (KP 113.1/122.8) "Independence 4-lane"

The proposed action is to convert Rte 395 from the existing two lane conventional highway to four-lane expressway from P.M. 70.3/76.3 (KP 113.1/122.8). Divided highway with 30.5 m median would be constructed for northbound traffic from KP 113.1 to KP 117.5 (south edge of Independence). The median will be reduced to an all paved section through the community of Independence (KP 117.5 to 119.3). Divided highway with 30.5 m median is proposed north of town (from KP 119.3 to 122.6).

Route 395 is a major north-south highway is at the eastern base of the Sierra Nevada mountains.

Within the limits of the project the highway crosses over Independence Creek and portions of Symmes Creek which flow westerly down the eastern flank of the mountains into the LA Aqueduct. The Independence Creek floodplain as determined by the Federal Emergency Management Agency (FEMA) National Flood Insurance Rate Maps (FIRM) crosses the highway at the north side of town. At high flows Independence Creek is split into several diverging channels that spread out and then cross under the highway at several locations. The highway crosses over other minor drainage courses and swales.

The LA Aqueduct parallels the highway on the east side about 1 to 1.5 miles east of the highway. The Owens River floodplain as determined by the Federal Emergency Management Agency (FEMA) National Flood Insurance Rate Maps (FIRM) is about 2.5 to 3 miles east of the highway well outside the area of the project.

At the south end of the project the LADWP has an extensive system of earthen dikes and detention / catch basins upslope from the highway which reduce the peak of Symmes Creek at the highway from PM 69.8 (KP 112.3) to PM 71.3 (KP 114.7).

All highway cross drainage facilities will be designed to convey the 100 year flow.

The proposed action will not have the effect of significantly raising the base (100 year) flood water surface elevations within the project and is not considered a significant encroachment on any floodplains.

APPENDIX B: National Resources Conservation Services Form AD-1006

U.S. Department of Agriculture					
FARMLAND CONVERSION IMPACT RATING					
PART I (To be completed by Federal Agency)			Date Of Land Evaluation Request November 24, 1999		
Name Of Project Independence 4-lane Improvement			Federal Agency Involved Federal Highway Administration		
Proposed Land Use Convert to 4-lane highway (6.0 miles)			County And State Inyo County/California		
PART II (To be completed by NRCS)			Date Request Received By NRCS		
Does the site contain prime, unique, statewide or local important farmland? (If no, the FPPA does not apply -- do not complete additional parts of this form).			Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Acres Irrigated
Major Crop(s)			Farmable Land In Govt. Jurisdiction Acres: %	Amount Of Farmland As Defined in FPPA Acres: %	Average Farm Size
Name Of Land Evaluation System Used			Name Of Local Site Assessment System		Date Land Evaluation Returned By NRCS 12/6/99
PART III (To be completed by Federal Agency)			Alternative Site Rating		
			Site A	Site B	Site C
A. Total Acres To Be Converted Directly			21.2	21.2	
B. Total Acres To Be Converted Indirectly			45.7	45.7	
C. Total Acres In Site			66.9	66.9	0.0
PART IV (To be completed by NRCS) Land Evaluation Information					
A. Total Acres Prime And Unique Farmland					
B. Total Acres Statewide And Local Important Farmland					
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted					
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value					
PART V (To be completed by NRCS) Land Evaluation Criterion					
Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)			0	0	0
PART VI (To be completed by Federal Agency)					
Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))			Maximum Points		
1. Area In Nonurban Use			15	15	15
2. Perimeter In Nonurban Use			10	10	10
3. Percent Of Site Being Farmed			20	0	0
4. Protection Provided By State And Local Government			20	0	0
5. Distance From Urban Builtup Area			/	/	/
6. Distance To Urban Support Services			/	/	/
7. Size Of Present Farm Unit Compared To Average			10	0	0
8. Creation Of Nonfarmable Farmland			25	0	0
9. Availability Of Farm Support Services			5	0	0
10. On-Farm Investments			20	0	0
11. Effects Of Conversion On Farm Support Services			25	0	0
12. Compatibility With Existing Agricultural Use			10	0	0
TOTAL SITE ASSESSMENT POINTS			160	25	25
PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)			100	0	0
Total Site Assessment (From Part VI above or a local site assessment)			160	25	25
TOTAL POINTS (Total of above 2 lines)			260	25	25
Site Selected:			Date Of Selection		Was A Local Site Assessment Used?
Reason For Selection:					Yes <input type="checkbox"/> No <input type="checkbox"/>

(See Instructions on reverse side)

This form was electronically produced by National Production Services Staff

Form AD-1006 (10-83)



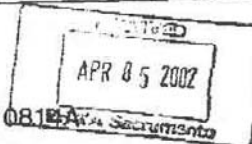
APPENDIX C: SHPO Concurrence Letter

STATE OF CALIFORNIA - THE RESOURCES AGENCY
OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION
 BOX 342806
 SACRAMENTO, CA 94296-0001
 (916) 653-5624 Fax: (916) 653-9624
 calshpo@mail2.quiknet.com

OPTIONAL FORM 99 (7-90)		FAX TRANSMITTAL		# of pages 2	
To	MIKE TRONALHE	From	S. HELLON		
Dept. Agency	CA-IRMS	Phone #	916-496-5288		
Fax #	551-243-4215	Fax #	916-496-5005		
NEW 2540-11-3-7-7300		6099-101		GENERAL SERVICES ADMINISTRATION	

March 20, 2002

REPLY TO: FHWA010815A



Michael G. Ritchie, Division Administrator
 Federal Highway Administration
 Region Nine, California Division
 980 Ninth Street, Suite 400
 SACRAMENTO CA 95814-2724

Re: State Route 395 Widening Project, Independence, Inyo County.

Dear Mr. Ritchie:

Thank you for submitting to our office your letter and Historic Property Survey Report (HPSR) regarding the proposed widening of State Route (SR) 395 for Post Miles (P.M.) 70.3 to 76.1 near the town of Independence in Inyo County. The proposed project would widen the existing highway from two to four lanes and the centers of the town of Independence. The Federal Highway Administration (FHWA) is proposing the project to provide traffic congestion relief and operational and safety improvements on an existing two lane portion of SR 395. As presently planned the project would involve the construction of two additional traffic lanes parallel to the existing highway. North of Independence, these lanes would be constructed west of the existing highway, and south of town, the new lanes would be constructed east of the highway.

Due to ongoing discussions between our office and FHWA regarding the delineation of the Area of Potential Effects (APE) with respect to identified archeological properties, this letter will not comment on that aspect of the APE or on the eligibility of the identified archeological properties within the proposed APE boundaries. Regarding the identification and evaluation of architectural properties and CA-INY-4590H (the Inyo County Wagon Road), however, the delineated Area of Potential Effects appears adequate and meets the definition set forth in 36 CFR 800.16(d).

FHWA is seeking our comments on its determination of 68 architectural properties and the Inyo County Wagon Road for inclusion on the National Register of Historic Places (NRHP) in accordance with 36 CFR 800, regulations implementing Section 106 of the National Historic Preservation Act. One historic property within the APE, the Inyo County Courthouse, located at 168 N. Edwards Street in Independence, is listed on the NRHP. Our review of the submitted HPSR leads us make the following comments regarding the proposed eligibility determinations:

- We concur with FHWA's determination that the portion of CA-INY-4590H (Inyo County Wagon Road) located within the project APE is ineligible for inclusion on the NRHP under any of the criteria established by 36 CFR 60.4. It appears, based on the evidence presented, that the segment has no strong associations with significant events or persons in the early historical development of Inyo County. The segment's proximity to present-day SR

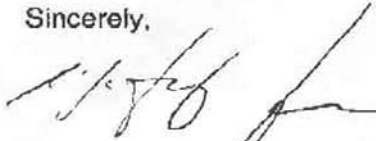
395 would appear to favor its consideration as a predecessor to the highway. However, its lack of both structural and visual integrity along its entire length removes any association it may have had with early historical events in Inyo County.

- Although FHWA is seeking our concurrence on its determination of the eligibility of a proposed Independence Historic Commercial District consisting of 47 contributing properties, photographic and inventory form information was supplied on only 25 of the 47 properties. We cannot at this time concur with your determination until efforts are made to provide information on the remaining 22 properties that are considered contributing elements to the proposed district. Our comments on this eligibility determination will be forthcoming once this additional information is provided for our review.
- We concur with FHWA's determination that the Levy Family Jewish Cemetery is ineligible for inclusion on the NRHP under any of the criteria established by 36 CFR 60.4.
- Although FHWA has noted on Page 22 of the HPSR that the 20 non-contributing properties to the proposed historic district lack integrity and/or historic fabric or are outside the district boundaries, there is still insufficient information to warrant our concurrence with this determination. No inventory forms or photographs were submitted for these properties and no information on the ages of these resources was provided. FHWA notes the inclusion of a Memorandum of Understanding (MOU) to address the treatment of these properties, but no such document was provided in the consultation package. It is not clear whether these properties would meet the guidelines for treatment under such an MOU without documentation supporting the basis for their non-eligibility and/or treatment.

We will provide comments on the aforementioned eligibility issues in a timely manner once documentation is provided that will address the points cited above. We look forward to receiving your supplemental information.

Thank you again for seeking our comments on your project. If you have any questions, please contact staff historian Clarence Caesar at (916) 653-8902.

Sincerely,



Dr. Knox Mellon
State Historic Preservation Officer

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS, Governor

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax: (916) 653-9824
calshpo@mail2.quiknet.com



December 27, 2002

REPLY TO: FHWA010601A

Gary N. Hamby, Division Administrator
Federal Highway Administration
Region Nine, California Division
980 Ninth Street, Suite 400
SACRAMENTO CA 95814-2724

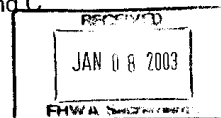
Re: Supplemental Historic Architectural Property Survey Report for the State Route
395 Widening Project at the Town of Independence in Inyo County.

Dear Mr. Hamby:

Thank you for submitting to our office your August 6, 2002 letter and Supplemental Historic Architectural Survey Report (SHAPSR) regarding the proposed widening of State Route (SR) 395 from Post Miles 70.3 to 76.3 in the town of Independence in Inyo County. The SHAPSR was submitted in response to our letter of March 20, 2002 which requested additional information on 22 of 47 properties that the Federal Highway Administration (FHWA) identified as contributors to a proposed Independence Commercial District, and 20 non-contributors and/or properties that were located outside the district boundaries, for which no documentation was provided. The SHAPSR appears to contain documentation on the aforementioned properties. FHWA is treating the 20 properties that were described as non-contributing and/or properties located outside previously proposed district boundaries in accordance with the June 1, 2002 "Interim Policy for Treatment of Buildings Constructed in 1957 or Later." We do not object to this proposed treatment for these properties.

FHWA is seeking our comments on its determination of the eligibility of 34 pre-1957 architectural properties located within the project Area of Potential Effects (APE) for inclusion on the National Register of Historic Places (NRHP) in accordance with 36 CFR 600, regulations implementing Section 106 of the National Historic Preservation Act. Our review of the submitted SHAPSR leads us to concur with FHWA's determination that the following properties are eligible for inclusion on the NRHP at the level of local significance under the following criteria as established by 36 CFR 60.4:

- Stone House, 620 Edwards Street, Independence, Criterion C
- Pines Café, 102 - 106 S. Edwards Street, Independence, Criterion C
- Inyo Masonic Lodge, 246 N. Edwards Street, Independence, Criteria A and C
- Residence, 227 S. Edwards Street, Criterion C
- Thomas Edwards House, 124 W. Market Street, Criterion B
- Independence Post Office, 101 S. Edwards Street, Criteria A and C
- Winnedumah Hotel, 211 N. Edwards Street, Criteria A and C
- Commander's House, 303 N. Edwards Street, Criteria A and C

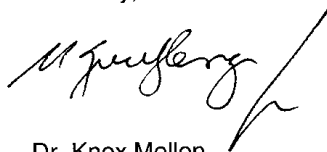


Those properties that are eligible for inclusion on the NRHP under Criterion A have strong associations with either the development of the town of Independence and the larger Owens Valley, tourism in the Owens Valley, or the establishment and operation of Camp Independence, a military post that existed from 1872 to 1877 to counter Indian attacks on Owens Valley settlers. The Thomas Edwards House, aside from being the oldest residence in Inyo County, has strong associations with Thomas Edwards, the pioneer who laid out the town of Independence, and whose name graces the town's main thoroughfare. Those properties eligible under Criterion C appear to have retained sufficient integrity of design, materials, setting, feeling, association, and/or workmanship to convey their historic periods of significance.

We also concur with FHWA's determination that the remaining 14 pre-1957 properties evaluated in the SHAPSR are not eligible for inclusion on the NRHP under any of the criteria established by 36 CFR 60.4. The properties have no strong associations with significant historical events or person and are not examples of outstanding architectural design or function.

Thank you again for seeking our comments on your project. If you have any questions, please contact staff historian Clarence Caesar at (916) 653-8902.

Sincerely,

A handwritten signature in black ink, appearing to read "Knox Mellon", with a long, sweeping horizontal stroke extending to the right.

Dr. Knox Mellon
State Historic Preservation Officer

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS, Governor

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax: (916) 653-9824
calshoo@ohp.parks.ca.gov
www.ohp.cal-parks.ca.gov



22 March 2003

In Reply Refer To
FHWA010601A

Gary N. Hamby
Division Administrator
California Division
Federal Highway Administration
980 Ninth Street, Suite 400
Sacramento, California 95814-2724

RE: HDA-CA, FILE NO. 09-INY-395-70.3/76.1, DOCUMENT NO. P 35356 [FURTHER
SECTION 106 CONSULTATION ON AN UNDERTAKING TO WIDEN STATE ROUTE 395
THROUGH THE CITY OF INDEPENDENCE, INYO COUNTY]

Dear Mr. Hamby,

The purpose of this letter is to comment on the Federal Highway Administration's (FHWA) 29 May 2001 determinations on the eligibility of eighteen archaeological sites for inclusion in the National Register of Historic Places (National Register).

I concur with the FHWA's determinations that

CA-Iny-5397/H	CA-Iny-5757	CA-Iny-5759
CA-Iny-5761	CA-Iny-5763	CA-Iny-5764

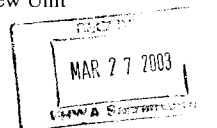
are eligible for inclusion in the National Register under Criterion D.

I concur with the FHWA's determinations that

CA-Iny-4656H	CA-Iny-4657H	CA-Iny-5758
CA-Iny-5760	CA-Iny-5762	CA-Iny-5765H
CA-Iny-5766H	CA-Iny-5767H	CA-Iny-5768H
CA-Iny-5868H	CA-Iny-5869H	CA-Iny-5886T

are *not* eligible for inclusion in the National Register.

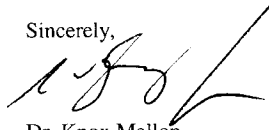
Please direct any questions or concerns that you may have to Project Review Unit archaeologist Mike McGuirt at 916.653.8920 or at mmcguirt@ohp.parks.ca.gov.



GARY N. HAMBY
22 MARCH 2003
PAGE 2 of 2

FHWA020610A

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Mellon', written over a horizontal line.

Dr. Knox Mellon
State Historic Preservation Officer

WKM:mdm

APPENDIX D: U.S. Fish and Wildlife Service Species List



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

In Reply, Refer To: 2003.1021

January 9, 2003

David A. Armes
Environmental Division Central Region Biology Branch
California Department of Transportation
2015 E. Shields, Suite 100
Fresno, California 93726

Subject: Species Lists for U.S. Geological Survey Quadrangles: Black Rock,
Independence, and Tinemaha Reservoir of Inyo County, California

Dear Mr. Armes:

This letter is in response to your request, which was received by us on December 3, 2002, for information on federally listed, proposed, or candidate species which may be present in or around the following 7.5-minute U.S. Geological Survey quadrangle maps: Black Rock, Independence, and Tinemaha Reservoir of Inyo County, California. California Department of Transportation, with funding from the Federal Highway Administration (FHWA), proposes to widen existing roadways in various locations from two lanes to four lanes.

The enclosed list of species fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Act. The FHWA, as the lead agency for the project, has the responsibility to review its proposed activities and determine whether any listed species may be affected. If the project is a construction project^{1/} which may require an environmental impact statement, the FHWA has the responsibility to prepare a biological assessment to make a determination of the effects of the action on the listed species or critical habitat. If the FHWA determines that a listed species or critical habitat is likely to be adversely affected, it should request, in writing through our office, formal consultation pursuant to section 7 of the Act. Informal consultation may be used to exchange information and resolve conflicts with respect to threatened or endangered species or their critical habitat prior to a written request for formal consultation. During this review process, the FHWA may engage in planning efforts but may not make any irreversible commitment of resources. Such a commitment could constitute a violation of section 7(d) of the Act.

^{1/} "Construction project" means any major Federal action which significantly affects the quality of the human environment designed primarily to result in the building of structures such as dams, buildings, roads, pipelines, and channels. This includes Federal actions such as permits, grants, licenses, or other forms of Federal authorizations or approval which may result in construction.

David A. Armes

2

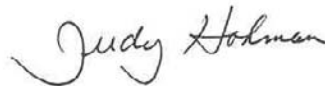
Federal agencies are required to confer with the Service, pursuant to section 7(a)(4) of the Act, when an agency action is likely to jeopardize the continued existence of any proposed species or result in the destruction or adverse modification of proposed critical habitat (50 CFR 402.10(a)). A request for formal conference must be in writing and should include the same information that would be provided for a request for formal consultation. Conferences can also include discussions between the Service and the Federal agency to identify and resolve potential conflicts between an action and proposed species or proposed critical habitat early in the decision-making process. The Service recommends ways to minimize or avoid adverse effects of the action. These recommendations are advisory because the jeopardy prohibition of section 7(a)(2) of the Act does not apply until the species is listed or the proposed critical habitat is designated. The conference process fulfills the need to inform Federal agencies of possible steps that an agency might take at an early stage to adjust its actions to avoid jeopardizing a proposed species.

Candidate species are those species presently under review by the Service for consideration for federal listing. Candidate species should be considered in the planning process because they may become listed or proposed for listing prior to project completion. Preparation of a biological assessment, as described in section 7(c) of the Act, is not required for candidate species. If early evaluation of your project indicates that it is likely to affect a candidate species, you may wish to request technical assistance from this office.

The take of candidate species is not prohibited by the Act, however, we encourage you to consider their conservation in your planning process in the event they are listed prior to project completion. For information on other species of concern that may occur in the project area, the Service recommends that you review information in the California Department of Fish and Game's (CDFG) Natural Diversity Database and that you contact CDFG at (916)324-3812.

If you have any questions, please contact Robert McMorran of my staff at (805) 644-1766.

Sincerely,



Judy Hohman
Division Chief
Mojave/Great Basin Desert

Enclosure

**ENDANGERED, THREATENED, AND PROPOSED SPECIES
THAT MAY OCCUR ON QUADS: BLACKROCK, INDEPENDENCE, AND
TINEMAHA RESERVOIR
INYO COUNTY, CALIFORNIA**

TINEMAHA RESERVOIR

Birds

Bald eagle	<i>Haliaeetus leucocephalus</i>	T
Least Bell's vireo	<i>Vireo bellii pusillus</i>	E
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	E
Yellow billed cuckoo	<i>Coccyzus americanus</i>	C

Fish

Owens pupfish	<i>Cyprinodon radiosus</i>	E
Owens tui chub	<i>Gila bicolor snyderi</i>	E

INDEPENDENCE

Birds

Least Bell's vireo	<i>Vireo bellii pusillus</i>	E
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	E
Yellow billed cuckoo	<i>Coccyzus americanus</i>	C

BLACKROCK

Birds

Least Bell's vireo	<i>Vireo bellii pusillus</i>	E
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	E
Yellow billed cuckoo	<i>Coccyzus americanus</i>	C

Fish

Owens pupfish	<i>Cyprinodon radiosus</i>	E
Owens tui chub	<i>Gila bicolor snyderi</i>	E

Key:

E	Endangered
T	Threatened
CH	Designated critical habitat
PE	Taxa proposed for listing as endangered
PT	Taxa proposed for listing as threatened
PCH	Critical habitat proposed for designation
C	Candidate species for which the Fish and Wildlife Service has on file sufficient information on the biological vulnerability and threats to support proposals to list as endangered or threatened.

* Species for which the National Marine Fisheries Service has responsibility. For more information, call the Santa Rosa Field Office at (707) 575-6050 or go to <http://swr.ucsd.edu/>.



APPENDIX E: Letter from Inyo County Concerning Dehy Park Property



JEFFREY S. JEWETT - Director
MICHAEL S. CONKLIN - Deputy Director

DEPARTMENT OF PUBLIC WORKS
P.O. DRAWER Q
INDEPENDENCE, CALIFORNIA 93526
(760) 878-0201
(760) 878-2001 FAX

County of
INYO

June 28, 2000

Mr. Thomas P. Hallenbeck
District Director
Department of Transportation
500 South Main Street
Bishop, CA 93514

CALL TRANS. DIST. 9
2000 JUN 29 11:10:40

Dear Mr. Hallenbeck,

The Inyo County Department of Public Works supports the proposed acquisition by Caltrans of approximately 657 square feet of Dehy Park for construction of new sidewalk. We understand that the sidewalk will be constructed along Route 395 as part of the Independence 4-lane project, which will extend the limits of sidewalks within the town of Independence from Mazourka Canyon Road on the south side to the entrance to the Independence Airport on the north side. We also understand that this acquisition is necessary in order to construct the sidewalk adjacent to a widened Route 395 along its current alignment. Approximately 463 square feet will be acquired from the County and the remaining 194 square feet will be acquired from the City of Los Angeles Department of Water and Power. The 657 square feet required is approximately 0.015 acres and constitutes about 0.75 % of the current park size of 1.99 acres.

The loss of 0.015 acres of Dehy Park will be insignificant, since the loss will be offset by the enhancement to the community and the improved movement and safety through the highway corridor. Consequently, the County supports the acquisition of this area of Dehy Park for sidewalk construction by Caltrans.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey S. Jewett".

Jeffrey S. Jewett
Public Works Director



APPENDIX F: Draft Relocation Impact Report

State of California

Business, Transportation and Housing Agency

Memorandum

To : TIM SHULTZ
Project Manager - Bishop

Date: October 18, 2002

File: Right of Way
09-Inyo 395-PM 70.3/76.1
(KP 113.1/122.5)

Attention : Bart Dela Cruz, Design Manager - Bishop
Mike Donahue, Environ. Manager - Fresno
Juergen Vespermann, Environ. Planner – Fresno

EA: 09-214800
"Independence Four-lane"

From : Department of Transportation
Right of Way, Central Region – Bishop

Subject : Draft Relocation Impact Report for the project near Independence from 4.3km south Mazourka Canyon Road to 1.0km north Shabbell Lane: widen to four-lane expressway. A statement of No Significant Impact in regard to Relocation Assistance.

1. Purpose of Relocation Impact Study:

The purpose of this study is to provide the Department of Transportation, local agencies and the public with information as to what effect a proposed 4-lane expressway project would have on the residential and non-residential occupants within the various proposed project alignments. Specifically, this report is concerned with potential problems that may be caused by the displacement of existing structures and their occupants by the various proposed alternatives and alignments of this project.

2. Alignments/Alternatives studied

- A. Number of Alignments studied: 3
- B. Description of each alignment studied:
1. Alternate 1: no-build
 2. Alternate 2A: 1.2 meter shoulder widths
 3. Alternate 2B: 2.4 meter shoulder widths

3. Findings

- A. The estimates prepared for these alternates, as summarized in the Right of Way Data Sheet, showed no relocation assistance was necessary on the alternates studied. Therefore, it has been determined that there is no significant impact to owners, tenants, businesses or persons in possession of real property to be acquired who would qualify for relocation benefits under the Uniform Relocation Assistance and Real Property Acquisition Act of 1970.
- B. Any person (individual, family, corporation, partnership, or association) who moves from real property or moves personal property from real property as a result of the acquisition of the real property, or who is required to relocate as a result of a written notice from the California Department of Transportation from the real property required for a transportation project is eligible for "Relocation Assistance".

EA 09-214801
"Independence 4-lane"
Relocation Impact Report

- C. In the event that acquisition of property and relocation becomes necessary, all activities would then be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Relocation resources shall be available to those who are displaced without discrimination.

4. Uniform Acquisition and Relocation Policy

All displacees will be assigned to a relocation advisor who will see that all payments and benefits are fully utilized and that all regulations are observed. At the time of the first written offer to purchase owner occupants are given a detailed explanation of Caltrans "Relocation Program and Services". Tenant occupants of properties to be acquired are contacted soon after the first written offer to purchase and are also given a detailed explanation of Caltrans "Relocation Program and Services". In accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, Caltrans will provide relocation advisory assistance to any person, business, farm or non-profit organization displaced as a result of the acquisition of real property for public use.

The undersigned has completed a Draft Relocation Impact Report for this project and recommends approval:

Prepared by: Lora Rischer 8/27/01
LORA RISCHER date
Right of Way Agent
Central Region - Bishop

The undersigned have reviewed and approve this Draft Relocation Impact Report:

Approved by: Nancy D. Escallier 8/27/01
NANCY D. ESCALLIER date
Field Office Chief, Right of Way
Central Region - Bishop

Approved by: Randeem Walter 9/17/01
RANDEEN WALTER date
Regional Division Chief
Central Region Right of Way

APPENDIX G: Environmental Checklist Form (CEQA)

ENVIRONMENTAL EVALUATION

One of the basic purposes of the California Environmental Quality Act (CEQA) is to inform state, regional and local governmental decision makers and the public of impacts of proposed activities, and in particular, those impacts that are either significant or potentially significant.

Determining and documenting whether an activity may have a significant effect on the environment plays a critical role in the CEQA process. The following CEQA Environmental Evaluation Checklist is a device that was used to identify and evaluate any potential impacts from the propose activity on physical, biological, social and economic resources. This checklist is not a NEPA requirement.

Differences do exist in the way impacts are addressed in CEQA environmental documents as compared to NEPA environmental documents. While CEQA requires that environmental documents state a determination of significant or potentially significant impacts, as has been done in the following CEQA checklist, NEPA does not. It can be seen that having to address significant or potentially significant impacts in joint CEQA and NEPA environmental documents can be confusing especially in those instances where the two laws and implementing regulations have different thresholds of significance.

Under NEPA, the degree to which a resource is impacted is only used to determine whether a NEPA Environmental Impact Statement (EIS) or some lower level of NEPA documentation would be required. Under NEPA, once the federal agency has determined the magnitude of the project's impacts and the level of environmental documentation required, it is the magnitude of the impact that is evaluated in the environmental document and no judgment of its degree of significance is deemed important in the document text. For the purpose of the impact discussion in this document, determination of significant or potentially significant impacts is made only in the context of CEQA.

Based on the results of the technical studies, it has been determined that the appropriate level of CEQA environmental documentation for this project is an Initial Study/Mitigated Negative Declaration.

CEQA ENVIRONMENTAL EVALUATION CHECKLIST

The following environmental technical studies were prepared by Caltrans for this project: air quality, biology/natural environment, cultural, hazardous waste, location hydraulics, noise, community impact assessment, scenic resource, traffic, and water quality. These reports contain detailed information on the study area, assessment of potential impacts of the proposed project and recommended mitigation of abatement measures to minimize or avoid impacts. The studies are available for review at the California Department of Transportation (Caltrans District 6), 2015 East Shields Avenue #100, Fresno, California and/or California Department of Transportation (Caltrans District 9), 500 South Main Street, Bishop, California.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS – Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IV. BIOLOGICAL RESOURCES – Would the Project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

V. CULTURAL RESOURCES – Would the Project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VI. GEOLOGY AND SOILS – Would the Project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VII. HAZARDS AND HAZARDOUS MATERIALS –

Would the Project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous material?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires including where wildlands are adjacent to urbanized area or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VIII. HYDROLOGY AND WATER QUALITY –

Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<u>XI. LAND USE PLANNING</u> – Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>X. MINERAL RESOURCES</u> – Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>XI. NOISE</u> – Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<u>XII. POPULATION AND HOUSING</u> – Would the project:				
a) Induce substantial population growth in an area, either directly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>XIII. PUBLIC SERVICES</u> –				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>XIV. RECREATION</u> –				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<u>XV. TRANSPORTATION/TRAFFIC –</u>				
Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVI. UTILITIES AND SERVICE SYSTEMS –

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVII. MANDATORY FINDINGS OF SIGNIFICANCE –				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

APPENDIX H: Title VI Policy Statement

DEPARTMENT OF TRANSPORTATION
OFFICE OF THE DIRECTOR
1120 N STREET
P. O. BOX 942873
SACRAMENTO, CA 94273-0001
PHONE (916) 654-5267
FAX (916) 654-6608



July 26, 2000

TITLE VI POLICY STATEMENT

The California State Department of Transportation under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person in the State of California shall, on the grounds of race, color, sex and national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity it administers.

A handwritten signature in black ink that reads "Jeff Morales".

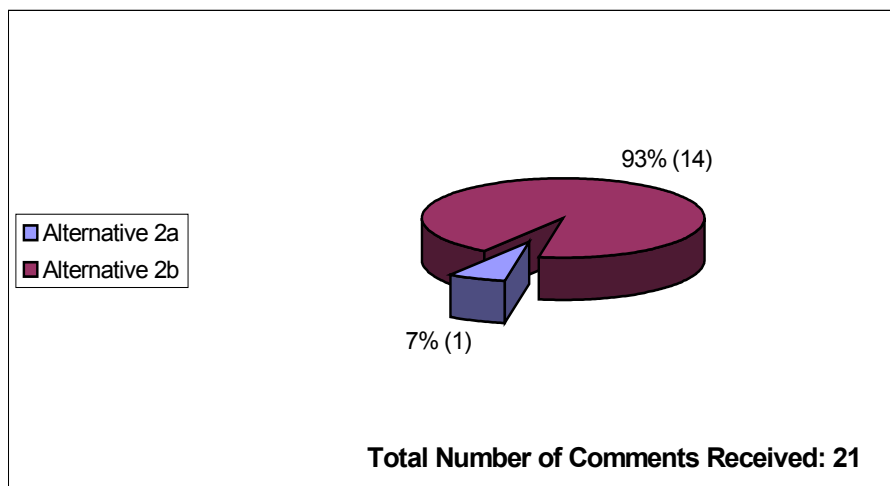
JEFF MORALES
Director



APPENDIX I: Public Comments and Responses on the Environmental Assessment/Initial Study

The Environmental Assessment/Initial Study was circulated for public review and comment between June 2, 2003 and August 2, 2003. The document was circulated to interested public agencies and local agencies, and public notices were sent out to approximately 500 members of the public and landowners. Public notices were published in the *Inyo Register* newspaper and copies of the document were sent to three local libraries. In addition, the environmental document was available on the Caltrans District 9 webpage.

On July 2, 2003, Caltrans conducted a public hearing to inform the public of the three available alternatives and the impacts the proposed project would have on the environment. The public comment period ended on August 2, 2003. A total of 21 comments were received: one through the State Clearinghouse, Office of Planning and Research; nine written comments during the public hearing; one comment was given to the court reporter during the public hearing; five were sent through the U.S Postal Service; three through e-mail; and two phone calls were received. Of those 21 comments, 15 commented on a preferred alternative, one was in favor of Alternative 2a (no on-street parking) and 14 comments were in favor of Alternative 2b (with on-street parking).



The remaining people or agencies did not refer to a preferred alternative, but had additional questions or comments. Two people were concerned about effects the proposed project might have on the Jewish Cemetery at the north end of Independence on the west side of U.S. 395. Two people questioned what the State could do to reduce the speed in Independence, and two people would like to see a pedestrian overcrossing.

The following pages show the comments received and the responses given.

**Comment Received from the Governor's Office of Planning and Research,
State Clearinghouse:**



Gray Davis
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse



Tal Finney
Interim Director

July 2, 2003

Juergen Vespermann
Department of Transportation, District 6
2015 E. Shield Ave, Suite 100
Fresno, CA 93726

Subject: 09-INY-395-KP 113.1/122.5 (PM 70.3/76.1)
SCH#: 2003061009

Dear Juergen Vespermann:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on July 1, 2003, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

Document Details Report State Clearinghouse Data Base

SCH# 2003061009
Project Title 09-INY-395-KP 113.1/122.5 (PM 70.3/76.1)
Lead Agency Caltrans #6

Type Neg Negative Declaration
Description The California Department of Transportation (Caltrans) proposes to construct 9.4 kilometers (5.8 miles) of four-lane expressway from kilometer post 113.1 (PM 70.3) to 122.5 (PM 76.1). The proposed project would increase capacity, improve safety and the flow of traffic and provide route continuity.

Lead Agency Contact

Name Juergen Vospermann
Agency Department of Transportation, District 6
Phone 559.243.8171 **Fax**
email
Address 2015 E. Shield Ave, Suite 100
City Fresno **State** CA **Zip** 93726

Project Location

County Inyo
City
Region
Cross Streets Mazourka Canyon Road, Shabbell Lane
Parcel No.
Township

Range **Section** **Base**

Proximity to:

Highways US Hwy 395
Airports
Railways
Waterways
Schools
Land Use State Highway, Nearly all land adjacent to U.S. Highway 395 is classified as open-space and is owned by LADWP.

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Drainage/Absorption; Flood Plain/Flooding; Noise; Recreation/Parks; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 6 (Inyo & Mono Region); Office of Historic Preservation; Department of Parks and Recreation; Delta Protection Commission; Air Resources Board, Transportation Projects; Regional Water Quality Control Bd., Region 6 (Victorville); California Highway Patrol; Native American Heritage Commission; State Lands Commission

Date Received 06/02/2003 **Start of Review** 06/02/2003 **End of Review** 07/01/2003

Note: Blanks in data fields result from insufficient information provided by lead agency.

Comments Received from the California Regional Water Quality Control Board, Lahontan Region

7/1/2003 TUE 03:14 PM CRWQCB/LAHONTAN-REG6VVL 7602417308 P. 02



Winston H. Hickox
Secretary for
Environmental
Protection

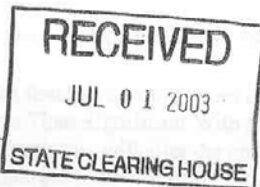
California Regional Water Quality Control Board Lahontan Region

Victorville Office
Internet Address: <http://www.swrcb.ca.gov/rwqcb6>
15428 Civic Drive, Suite 100, Victorville, California 92392
Phone (760) 241-6583 • FAX (760) 241-7308



Gray Davis
Governor

July 1, 2003



FILE: Caltrans District 9-Independence
Roadway Improvement Project

CALTRANS
Mike Donahue
2015 E. Shields, Suite 100
Fresno, CA 93726

Clear
7/1/03
e

COMMENTS ON ENVIRONMENTAL ASSESSMENT/INITIAL STUDY (EA) INDEPENDENCE ROADWAY IMPROVEMENT PROJECT DEPARTMENT OF TRANSPORTATION STATE OF CALIFORNIA, STATE CLEARINGHOUSE (SCH) NO. 2003061009, INYO COUNTY

California Regional Water Quality Control Board (Board) staff has reviewed the referenced EA, dated June 2, 2003 and has the following comments. Comments are organized below under the relevant heading from the EA.

Project Description

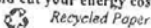
On U.S. Highway 395 Caltrans proposes to widen the highway from two lanes to four lanes in the vicinity of the Town of Independence. In addition to the four lane widening project, Caltrans proposed improvements in Independence that would consist of sidewalk installation and drainage improvements. The proposed project has three waterways within the limits of the project. The three waterways are Symmes Creek, Independence Creek, and Oak Creek. Caltrans proposes to increase the size of the culvert at Symmes Creek to a 14-foot width and 12-foot height. The larger culvert will allow wildlife and cattle a crossing area under Highway 395.

1

The project description should contain information about the three creeks within the project limits. There should be a complete description of stream characteristics, such as peak flow, average flow and if the stream is ephemeral or perennial and a description of the water body or area to which the stream is tributary. Creek flow volumes that can be expected during the work should be listed. Symmes Creek will be completely altered in the area under the highway, yet there is no description of the extent of the alteration.

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>



Mr. Donahue

- 2 -

July 1, 2003

Environmental Assessment

Section - Hydrology and Water Quality; Would the Project:

2

a) Violate any water quality standards or waste discharge requirements?


The EA states that there would be no impact from the proposed project. We feel the EA should indicate "Less Than Significant With Mitigation." The project proposes to install a new culvert at Symmes Creek that will alter the current flow path. The potential for sediment or other material discharges to waters of the State is significant unless proper Best Management Practices (BMPs) are used during construction. Also the alteration of Symmes Creek from a 24-inch culvert to a 14-foot wide culvert is significant. There is no discussion of the altered drainage route for Symmes Creek. There alteration of Symmes Creek appears to promote stormwater pending and may cause a nuisance condition. In addition to Symmes Creek, the project crosses two others creeks and has the potential to discharge earthen material or grindings to the creek unless water quality is protected by using BMPs.

3

The EA makes no mention of BMPs. The EA should contain all the BMPs that will be used for short and long term mitigation. Restoration of the temporarily disturbed areas should be discussed. The EA should also contain plans for working in the flowing water along with the long-term measures to restore disturbed areas. Such plans and project specific BMPs are also required for compliance with the Statewide Caltrans Construction Stormwater Permit. In addition, there was no mention of permits or approvals that may be required for stream alteration. Please include a description of any proposed dredge, fill or streambed alteration that is part of the project.

If you have any questions, please telephone me at (760) 241-7353, or Cindi Mitton at (760) 241-7413.

Sincerely,



Douglas E. Feay, R.G.
Engineering Geologist
Mono/Owens/ Kern Watershed

cc: State Clearinghouse
P.O. Box 3044
Sacramento, CA 95812-3044

DF/rp (CaltranIndependRdEA.doc)

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>



Recycled Paper

Response 1: Symmes, Independence and Oak creeks are water bodies regulated by the City of Los Angeles Department of Water and Power and flow into Owens River. The peak flow in all creeks is 3 cubic meters per second (106 cubic feet per second). As stated in the Environmental Assessment/Initial Study on page 24, Section 3.3.2, Symmes Creek is intermittent, Independence Creek is perennial and Oak Creek is perennial.

Response 2: The CEQA Checklist in Appendix G was changed to show “Less Than Significant With Mitigation” under “VIII. Hydrology And Water Quality: Would the project a) Violate any water quality standards or waste discharge requirements?”

Response 3: During this preliminary design stage, detailed plans and specifications are not available for the construction of the Symmes Creek culvert. However, the culvert size has been revised and reduced to approximately 3meters (10 feet) in height and 3.65 meters (12 feet) in width. A list of Caltrans’ Best Management Practices can be reviewed under

WWW.DOT.CA.GOV/Hq/construct/stormwater/stormwater1.htm.

Caltrans will work closely with the Los Angeles Department of Water and Power and the California Regional Water Quality Control Board, Lahontan Region, during the final design of the culverts and for issues pertaining to impacts to the creeks in the project area. Plans and project-specific Best Management Practices will be available in more detail during the detailed design stage. This will be done in compliance with the Statewide Caltrans Construction Stormwater Permit to be obtained before construction.

Comment Received through the Court Reporter at the Public Hearing

**INDEPENDENCE FOUR-LANE PROJECT
PUBLIC HEARING**

INDEPENDENCE, CALIFORNIA

WEDNESDAY, JULY 2, 2003

ORIGINAL

NICCOLE M. ROSSY
CERTIFIED SHORTHAND REPORTER #10698
P.O. BOX 1675, BISHOP, CALIFORNIA 93515-1675
(760) 872-4718

1 INDEPENDENCE, CALIFORNIA; WEDNESDAY, JULY 2, 2003

2 -oOo-

3 SHARON CLARK: I think Alternative 2-B would be
4 best, four lanes, parking, and no turn lane. Also
5 sidewalks should be constructed to the airport at the
6 north end of town. And I guess that's all.

REPORTER'S CERTIFICATE

STATE OF CALIFORNIA)
) ss.
COUNTY OF INYO)

I, NICCOLE M. ROSSY, a Certified Shorthand
Reporter in and for the State of California, for the
County of Inyo, do hereby certify that the foregoing
pages, 1 through 2, comprise a full, true, and correct
transcription of my stenotype notes taken in the matter of
the above-entitled cause on July 2, 2003.

Dated this 11th day of July, 2003.



Niccole M. Rossy, CSR #10698

Response: Comment noted.

①



Comment Card

INDEPENDENCE U.S. HIGHWAY 395 PROJECT

In and near the town of Independence

July 2003

NAME: Julie + Steve Tiede
 ADDRESS: 207 S. Jackson CITY: Independence ZIP: 93526
 REPRESENTING: _____

Do you wish to be added to the project mailing list?

☒ YES ☐ NO

Please drop comments in the Comment Box or Mail to:

Department of Transportation
 Mailing Address: Bryan Winzenread
 Project Manager
 500 S. Main Street
 Bishop, CA 93514

Department of Transportation
 Mailing Address: Juergen Vespermann
 Environmental Planner
 2015 East Shields Avenue, Suite 100
 Fresno, CA 93726-5428

I would like the following comments filed in the record (please print): _____

after reviewing the materials
 presented it appears that alternative
 2(b) better addresses the future
 needs of Independence. I believe it
 will have less ^{negative} visual impact
 + promote a more economically
 viable community that encourages
 people to get out of their cars &
 walk! These factors are accomplished
 by 4 lane rather than 5, sidewalks
 & parking

Closing response date: August 2, 2003



Response: Comment noted.

②



Comment Card

INDEPENDENCE U.S. HIGHWAY 395 PROJECT

In and near the town of Independence

July 2003

NAME: Sharon Clark
 ADDRESS: P.O. 25 CITY: Independence ZIP: 93526
 REPRESENTING: myself & family

Do you wish to be added to the project mailing list? ☐ YES ☒ NO

Please drop comments in the Comment Box or Mail to:

Department of Transportation
 Mailing Address: Bryan Winzenread
 Project Manager
 500 S. Main Street
 Bishop, CA 93514

Department of Transportation
 Mailing Address: Juergen Vespermann
 Environmental Planner
 2015 East Shields Avenue, Suite 100
 Fresno, CA 93726-5428

I would like the following comments filed in the record (please print): _____

Alternative 2B would be best -
4 lanes, parking & no turn lane.
Also, ~~side~~ sidewalks should be
constructed to the airport, north end
of town.

Closing response date: August 2, 2003



Response: Comment noted.

3



Comment Card

INDEPENDENCE U.S. HIGHWAY 395 PROJECT

In and near the town of Independence

July 2003

NAME: PAT McLENNON
 ADDRESS: P.O. Box 54 CITY: Indep ZIP: 93526
 REPRESENTING: SLP

Do you wish to be added to the project mailing list? ☒ YES ☐ NO

Please drop comments in the Comment Box or Mail to:

Department of Transportation
 Mailing Address: Bryan Winzenread
 Project Manager
 500 S. Main Street
 Bishop, CA 93514

Department of Transportation
 Mailing Address: Juergen Vespermann
 Environmental Planner
 2015 East Shields Avenue, Suite 100
 Fresno, CA 93726-5428

I would like the following comments filed in the record (please print): _____

1

My primary concern is the four lane will increase the average speed through town. Weekend traffic and late night to early morning is the worst time.

2

If I had my choice 26 would be the best. This town needs the parking.

Closing response date: August 2, 2003



Response 1: It would seem reasonable that removing restrictions (widening the road from two lanes to four lanes) approaching a community could increase speeds in the community. However, in locations where Caltrans has conducted “before and after” studies along U.S. 395 (specifically in Lone Pine and Lee Vining), this has not proven to be true.

Response 2: Comment noted.

4



Comment Card

INDEPENDENCE U.S. HIGHWAY 395 PROJECT

In and near the town of Independence

July 2003

NAME: KATHY WHITE

ADDRESS: PO BOX 68 CITY: INDEP. ZIP: 93526

REPRESENTING: COURTHOUSE ANTIQUES

Do you wish to be added to the project mailing list? ☐ YES ☒ NO

Please drop comments in the Comment Box or Mail to:

Department of Transportation
Mailing Address: Bryan Winzenread
Project Manager
500 S. Main Street
Bishop, CA 93514

Department of Transportation
Mailing Address: Juergen Vespermann
Environmental Planner
2015 East Shields Avenue, Suite 100
Fresno, CA 93726-5428

I would like the following comments filed in the record (please print): _____

1

Parking - 139 N EDWARDS - COURTHOUSE
ANTIQUES GIFTS + JUNK AND INDEPENDENCE
CHAMBER OF COMMERCE WOULD LOSE
ON STREET PARKING IF ALT 2A WERE
TO BE APPROVED. THEY HAVE NO
OFF STREET PARKING SPACE AVAILABLE.

2

PLEASE IMPLEMENT ALT 2B.

Closing response date: August 2, 2003



Response 1: Courthouse Antiques, Gifts and Junk, a small store on the west side of U.S. 395 between Center and Market Streets, did not return the questionnaire nor was the store open at any given time during the Community Impact Assessment. The store provides room for three vehicles in front of the store on U.S. 395. Additional parking is available on either Center or Market Street, at an approximate 75 meters (250 feet) of walking distance. The close proximity of either Center or Market Street may support the assumption that these streets would provide for alternate parking. A walking distance of 75 meters (250 feet) is not considered a negative effect on businesses.

In addition, even though the Courthouse Antiques, Gifts and Junk customers would experience some minor inconvenience due to the potential elimination of on-street parking on U.S. 395, creation of a separate parking lot would not likely help the business. Due to the unavailability of centrally located properties, parking on a newly created parking lot would most likely not be accepted by customers since parking on side streets would be more conveniently located. This is true for the Independence Chamber of Commerce as well.

Response 2: Comment noted. As described throughout this document Alternative 2b was selected as the preferred alternative.

5



Comment Card

INDEPENDENCE U.S. HIGHWAY 395 PROJECT

In and near the town of Independence

July 2003

NAME: Steven Tiedje
 ADDRESS: 207 Jackson CITY: Independence ZIP: 93526
 REPRESENTING: _____

Do you wish to be added to the project mailing list?

☒ YES ☐ NO

Please drop comments in the Comment Box or Mail to:

Department of Transportation
 Mailing Address: Bryan Winzenread
 Project Manager
 500 S. Main Street
 Bishop, CA 93514

Department of Transportation
 Mailing Address: Juergen Vespermann
 Environmental Planner
 2015 East Shields Avenue, Suite 100
 Fresno, CA 93726-5428

I would like the following comments filed in the record (please print):

I think Alternative 2B is a
good idea. This is a historic
town and would like to keep
it people friendly.

Closing response date: August 2, 2003



Response: Comment noted.

6



Comment Card

INDEPENDENCE U.S. HIGHWAY 395 PROJECT

In and near the town of Independence

July 2003

NAME: Mary Roper

ADDRESS: P O BOX 458 CITY: Independence ZIP: CA

REPRESENTING: _____

Do you wish to be added to the project mailing list? ☒ YES ☐ NO

Please drop comments in the Comment Box or Mail to:

Department of Transportation
Mailing Address: Bryan Winzenread
Project Manager
500 S. Main Street
Bishop, CA 93514

Department of Transportation
Mailing Address: Juergen Vespermann
Environmental Planner
2015 East Shields Avenue, Suite 100
Fresno, CA 93726-5428

I would like the following comments filed in the record (please print): _____

1

2

3

I prefer alternative 2B. Whatever
can be done to slow traffic down
through Independence would be helpful.
Parking along the main street is
essential for keeping Independence
businesses viable.
Wish there was some other
way besides the 100 ft median -
those aren't conducive to Wildlife
Survival.

Closing response date: August 2, 2003



Response 1: Comment noted.

Response 2: The current speed limit is 25 miles per hour in Independence. This project does not propose to change the posted speed limit through the community. The posted speed limit is the appropriate speed as determined through documentation set forth by law in the California 2003 Vehicle Code. The documentation for determination of the speed limit is an engineering and traffic survey that is to take into consideration: 1) prevailing speeds as determined by traffic engineering measurements, 2) accident records, and 3) highway, traffic, and roadside conditions not readily apparent to the driver.

In summary, the California Vehicle Code states the method Caltrans must use to justify a speed limit lower than 65 mph. As stated in the California Vehicle Code, Caltrans is required to conduct a speed survey using standard traffic engineering measurements to identify the prevailing speed. The prevailing speed is estimated by establishing the 85th Percentile Speed. The 85th Percentile Speed is the speed where 15 percent of the surveyed vehicles are traveling above this speed, and the remaining 85 percent of the vehicles surveyed are traveling below this speed. This speed is established through a field survey of actual vehicle speeds read and recorded by a calibrated speed detection device during specified time periods. Therefore, Caltrans does not determine the prevailing speed; the prevailing speed is set by the users of the highway.

It is expected that widening the existing two-lane highway to four lanes outside of Independence would be helpful in observance of the speed limit through the community. The reason for this expectation is that there would be ample opportunity for vehicles to pass slower-moving vehicles in the four-lane sections of roadway outside of town. In town, drivers would not feel the need to speed up and pass slower-moving vehicle, as is currently the case. Two studies conducted in nearby communities, Lee Vining and Lone Pine, indicated that post-construction speeds did not increase after construction of the four-lane roadways.

Increased enforcement by the California Highway Patrol could potentially cause changes in drivers' behavior over a short period of time should studies show that the speed limit is not being observed. However, this is usually only a temporary solution and is outside the control of Caltrans.

In addition, the installation of sidewalks is a visual clue for motorists that they are moving from a rural highway into a town or community setting, as is the provision of on-street parking. This potentially could slow down traffic.

Throughout the design process, the design elements described in the Department's publication "Main Streets: Flexibility in Design and Operations" have been considered in the development of this project. In addition, Caltrans would continue to work with the community and Inyo County to provide a "context sensitive" solution for Independence.

Response 3: The larger median allows native flora to survive and leave a small strip of habitat used by native fauna. Kangaroo rats, coyotes, and Swainson's hawks have been seen to forage in 30-meter (100-foot) medians. Furthermore, leaving a large median helps increase visibility for both the drivers of passing cars and crossing animals. This may help reduce vehicle/animal collisions; the larger median provides refuge for wildlife that attempts to cross the highway.

⑦



Comment Card

INDEPENDENCE U.S. HIGHWAY 395 PROJECT

In and near the town of Independence

July 2003

NAME: Kathy White
 ADDRESS: Box 68 CITY: Indep ZIP: 93526
 REPRESENTING: _____

Do you wish to be added to the project mailing list?

☐

YES

☒

NO

Please drop comments in the Comment Box or Mail to:

Department of Transportation
 Mailing Address: Bryan Winzenread
 Project Manager
 500 S. Main Street
 Bishop, CA 93514

Department of Transportation
 Mailing Address: Juergen Vespermann
 Environmental Planner
 2015 East Shields Avenue, Suite 100
 Fresno, CA 93726-5428

I would like the following comments filed in the record (please print): _____

We need hwy parking and
side walk to the airport.

Closing response date: August 2, 2003



Response: As stated in the project description, the current plan is to install sidewalks from Mazourka Canyon Road/Citrus Avenue at the south end of Independence to the Caltrans Maintenance Station on the west and along the road to the airport on the east at the north end of town.

⑧



Comment Card

INDEPENDENCE U.S. HIGHWAY 395 PROJECT

In and near the town of Independence

July 2003

NAME: Perry White
 ADDRESS: P.O. Box 389 CITY: Independence ZIP: 93526
 REPRESENTING: _____

Do you wish to be added to the project mailing list? ☒ YES ☐ NO

Please drop comments in the Comment Box or Mail to:

Department of Transportation
 Mailing Address: Bryan Winzenread
 Project Manager
 500 S. Main Street
 Bishop, CA 93514

Department of Transportation
 Mailing Address: Juergen Vespermann
 Environmental Planner
 2015 East Shields Avenue, Suite 100
 Fresno, CA 93726-5428

I would like the following comments filed in the record (please print): I would like
Caltrans to consider an elevated pedestrian
walk way over the highway. Independence is
already a town divided. We need greater
community access and development.

Closing response date: August 2, 2003



Response: Currently, the traffic volumes in Independence provide for abundant safe crossing gaps for pedestrians during a normal day. In addition, pedestrian volumes are so low that the costs for a structure would be prohibitive. Due to the location of such a structure, pedestrians would have to walk quite a distance to access a pedestrian overcrossing, reducing its acceptance by potential users, considering that enough gaps in traffic exist for more convenient crossing of U.S. 395. In addition, a pedestrian overcrossing would affect the transportation of oversized loads and may be considered a visual intrusion.

9



Comment Card

INDEPENDENCE U.S. HIGHWAY 395 PROJECT

In and near the town of Independence

July 2003

NAME: Evelyn Mae Nikolaus

ADDRESS: Box 396 CITY: Independence ZIP: 93526

REPRESENTING: _____

Do you wish to be added to the project mailing list? ☒ YES ☐ NO

Please drop comments in the Comment Box or Mail to:

Department of Transportation
Mailing Address: Bryan Winzenread
Project Manager
500 S. Main Street
Bishop, CA 93514

Department of Transportation
Mailing Address: Juergen Vespermann
Environmental Planner
2015 East Shields Avenue, Suite 100
Fresno, CA 93726-5428

I would like the following comments filed in the record (please print): _____

I am in favor of the left turn lane
1. I forked a car into Independence which
used the NORTH BOUND CENTER (Inside)
lane for a left turn lane.
I feel that his action demonstrates the public
acceptance of such lanes and wishes to use them.
2. The parking in downtown Independence
is largely eliminated in favor of better sight for
people turning from side streets. Any new
business or buildings should be required to
provide off street (highway) parking.
Vacant land is available south of the Post office, behind
the Pinos Cafe, and north of the burned down
building.

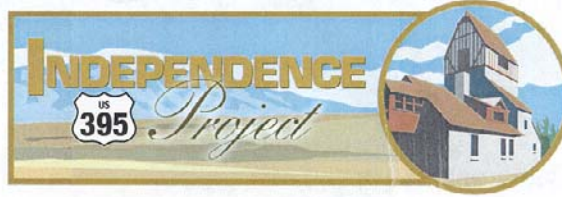
Closing response date: August 2, 2003



Response: Comments noted.

Comments Received through the U.S. Postal Service:

10



Comment Card

INDEPENDENCE U.S. HIGHWAY 395 PROJECT

In and near the town of Independence

July 2003

NAME: Sally White
 ADDRESS: Box 389 CITY: Indep. ZIP: 93526
 REPRESENTING: myself and most people except the business owners in town
 Do you wish to be added to the project mailing list? ☐ YES ☐ NO

Please drop comments in the Comment Box or Mail to:

Department of Transportation
 Mailing Address: Bryan Winzenread
 Project Manager
 500 S. Main Street
 Bishop, CA 93514

Department of Transportation
 Mailing Address: Juergen Vespermann
 Environmental Planner
 2015 East Shields Avenue, Suite 100
 Fresno, CA 93726-5428

1

I would like the following comments filed in the record (please print): The traffic

2

on 395 is getting worse and harder to
cross so I'd like to see a pedestrian
overpass. Most of all I'd like to

3

see a bypass but if you are going
through town, I don't prefer a left
turn lane in the center. Just 4 lanes
with parking on the street.

Closing response date: August 2, 2003



Response 1: Currently, the traffic volumes in Independence provide for abundant safe crossing gaps for pedestrians during a normal day. In addition, pedestrian volumes are so low that the costs for a structure would be prohibitive. Due to the location of such a structure, pedestrians would have to walk quite a distance to access a pedestrian overcrossing, reducing its acceptance by potential users, considering that enough gaps in traffic exist for more convenient crossing of U.S. 395. In addition, a pedestrian overcrossing would affect the transportation of oversized loads and may be considered a visual intrusion.

Response 2: The bypass alternatives have been eliminated during the environmental process of this project due to various environmental reasons as described in the environmental document.

Response 3: Comment noted.



Comment Card

INDEPENDENCE U.S. HIGHWAY 395 PROJECT

In and near the town of Independence

July 2003

NAME: Susan Boyle

ADDRESS: 253 Payne CITY: Independence ZIP: 93526

REPRESENTING: _____

Do you wish to be added to the project mailing list? ☒ YES ☐ NO

Please drop comments in the Comment Box or Mail to:

Department of Transportation
Mailing Address: Bryan Winzenread
Project Manager
500 S. Main Street
Bishop, CA 93514

Department of Transportation
Mailing Address: Juergen Vespermann
Environmental Planner
2015 East Shields Avenue, Suite 100
Fresno, CA 93726-5428

I would like the following comments filed in the record (please print): _____

1

I would choose Alternative 2b.
Through town alternative w/parking

2

However The biggest problem is
how fast out of towners speed thry
town. What can be done about
that?

Thank you

Susan Boyle

Closing response date: August 2, 2003



Response 1: Comment noted.

Response 2: The current speed limit is 25 miles per hour in Independence. This project does not propose to change the posted speed limit through the community. The posted speed limit is the appropriate speed as determined through documentation set forth by law in the California 2003 Vehicle Code. The documentation for determination of the speed limit is an engineering and traffic survey, which is to take into consideration: 1) prevailing speeds as determined by traffic engineering measurements, 2) accident records, and 3) highway, traffic, and roadside conditions not readily apparent to the driver.

In summary, the California Vehicle Code describes the method Caltrans must use to justify a speed limit lower than 65 mph. As stated in the California Vehicle Code, Caltrans is required to conduct a speed survey using standard traffic engineering measurements to identify the prevailing speed. The prevailing speed is estimated by establishing the 85th Percentile Speed. The 85th Percentile Speed is the speed where 15 percent of the surveyed vehicles are traveling above this speed, and the remaining 85 percent of the vehicles surveyed are traveling below this speed. This speed is established through a field survey of actual vehicle speeds read and recorded by a calibrated speed detection device during specified time periods. Therefore, Caltrans does not determine the prevailing speed; the users of the highway set the prevailing speed.

It is expected that widening the existing two-lane highway to four lanes outside of Independence would be helpful in observance of the speed limit through the community because there would be ample opportunity for vehicles to pass slower-moving vehicles in the four-lane sections of roadway outside of town. In town, drivers would not feel the need to speed up and pass slower-moving vehicle, as is currently the case. Two studies conducted in nearby communities, Lee Vining and Lone Pine, indicated that post-construction speeds did not increase after construction of the four-lane roadways.

Increased enforcement by the California Highway Patrol could potentially cause changes in driver's behavior over a short period of time should studies show that the speed limit is not being observed. However, this is usually only a temporary solution and is outside the control of Caltrans.

In addition, the installation of sidewalks is a visual clue for motorists that they are moving from a rural highway into a town or community setting, as is the provision of on-street parking. This potentially could slow down traffic.

Throughout the design process, the design elements described in the Department's publication "Main Streets: Flexibility in Design and Operations" have been considered in the development of this project. In addition, Caltrans would continue to work with the community and Inyo County to provide a "context sensitive" solution for Independence.

Comments Received from the Great Basin Unified Air Pollution Control District



GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT

157 Short Street * Bishop, California 93514 * (760) 872-8211 * Fax (760) 872-6109

August 1, 2003

Mr. Juergen Vespermann, Associate Environmental Planner

Southern Sierra Environmental Analysis Branch 175

California Department of Transportation **Sent by Email transmission to:**

2015 East Shields Avenue, Suite 100 **Juergen_Vespermann@dot.ca.gov**

Fresno, CA 93726

with original to follow by

U.S Postal Delivery

RE: **INITIAL STUDY/ENVIRONMENTAL ASSESSMENT for the Independence Roadway Improvement Project, 09-INY-395 KP113.1 to 122.5 (PM 70.3/76.1) 09-214800**

Dear Mr. Juergen Vespermann:

Great Basin Unified APCD staff appreciates this opportunity to review and comment on the above mentioned project. Our comments are meant as guidance for the California Department of Transportation as Lead Agency and should be incorporated in the Final Mitigated Negative Declaration. Our specific comments are as follows:

Comment _ 1) On page 21 of the Initial Study/Environmental Assessment, 3.2.4 Air Quality, states that: "Nuisance dust is generally PM₁₀ or greater is size and is not generally considered a health hazard." The District disagrees with this statement. It would be more accurate to use the term 'fugitive dust' instead of 'nuisance dust,' and state that fugitive dust from construction related activities can cause elevated PM₁₀ levels and may pose air quality problems including soiling of building and adverse health impacts to sensitive individuals.

Comment _ 2) On page 21 of the Initial Study/Environmental Assessment, 3.2.4 Air Quality, states that: "Visibility and traffic safety from blowing nuisance dust is the primary concern. Enforcement of Caltrans' Standard Specifications would minimize these concerns." What are Caltrans' Standard Specifications?

Comment _ 3) On page 21 of the Initial Study/Environmental Assessment, 3.2.4 Air Quality, Should cite in the final Mitigated Negative Declaration all applicable APCD Prohibitory Rules that apply to activities mentioned in the project description. Specifically, Rule 400–Opacity, Rule 401-Fugitive Dust, and Rule-402 Nuisance. (Ref: <http://www.arb.ca.gov/drdb/gbu/cur.htm>)

Comment _ 4) As a general observation, the District considers this to be a big construction project. Throughout the Initial Study/Environmental Assessment it also mentions that PM₁₀ and fugitive dust emissions are the primary air pollutant of concern. For those reasons mentioned, we

Mr. Juergen Vespermann, Associate Environmental Planner

August 1, 2003

Page 2 of 2

feel it would benefit both Caltrans and the District if there were responsible Caltrans personnel on hand that could accurately gage the amount of dust generated and police their own projects along with monitoring the dust suppression activity of their construction contractors. The District would be happy to see that at least one or more Caltrans supervisors receive a certificate of training in EPA's Method 9, Visible Emission Evaluation techniques (Smoke School). This course is given by CARB on a regular basis (Ref: http://www.arb.ca.gov/training/100_1.htm)

Comment _ 5) On page 36 of the Initial Study/Environmental Assessment, 3.4.8 Construction Activities, states that: "Portable concrete plants are associated with this project. The operator of these plants will comply with all environmental requirements." Thank you for informing the District that Stationary Equipment may have a role in the project. The District wants to avoid potential permitting delays with other types of equipment that may be involved. Therefore, is an aggregate crushing and screening plant, or asphalt plant also proposed for operation within Caltrans' Right-of-Way? If so, should these pollution sources also be identified in the Initial Study/EA.

Thank you for the opportunity to comment on the **INITIAL STUDY/ ENVIRONMENTAL ASSESSMENT for the Independence Roadway Improvement Project, 09-INY-395 KP113.1 to 122.5 (PM 70.3/76.1) 09-214800**. Please continue to forward all future material to the District. If the staff can be of further assistance please do not hesitate to call the District.

Sincerely,

Signed by Duane Ono

Duane Ono
Deputy Air Pollution
Control Officer
duaneono@yahoo.com

lc\DO

Response 1: *...that fugitive dust from construction-related activities can cause elevated PM₁₀ levels and may pose air quality problems including soiling of buildings and adverse health impacts to sensitive individuals.* This statement was added to the environmental document in Chapter 3.4.2.

Response 2: The applicable section in Caltrans' Standard Specifications can be found under: Section 10 of the Standard Specifications titled "Dust Control" as well as Section 7, part 7-1.01F titled "Legal Responsibilities: Air Pollution Control." This also was added to the environmental document.

Response 3: A reference to the mentioned resources was added to the environmental document (Rule 400–Opacity, Rule 401-Fugitive Dust, and Rule-402 Nuisance (Ref: <http://www.arb.ca.gov/drdb/gbu/cur.htm>).

Response 4: Caltrans policy is and has been that the resident engineer is responsible for monitoring fugitive dust levels from the project. The construction inspectors assigned to the project also monitor and report to the resident engineer any site conditions that may be hazardous, dangerous or in violation of local air, noise or water requirements. The offer to include our staff in Environmental Protection Agency training is appreciated, but not practical due to the time required to become certified and the rotational nature of construction staff assignments.

Response 5: As it is always the option of the contractors to "bring their own plant" rather than buy from an already established commercial source, Caltrans does not normally dictate one way or the other unless the local sources cannot produce the quantities of material required. Once a contractor is on board, it is that individual's responsibility to obtain the required permits (from Great Basin Air Pollution Control District, Lahontan Regional Water Quality Control District, counties, Los Angeles Department of Water and Power, Department of Fish and Game, etc.) to operate a plant. Since the plants do not belong to, nor are they permitted to belong to, the state, resolution of this concern would have to wait until a contractor is involved. However, as added to this environmental document in paragraph 3.4.8, an aggregate crushing and screening plant would potentially be needed within the Caltrans right-of-way and the contractor would comply with all environmental requirements.

Comments Received from the Department of Water and Power, the City of Los Angeles

Department of Water and Power



the City of Los Angeles

JAMES K. HAHN
Mayor

Commission
KENNETH T. LOMBARD, *President*
DOMINICK W. RUBALCAVA, *Vice President*
ANNIE E. CHO
MARY E. LESLIE
SID C. STOLPER
JOHN C. BURMAHLN, *Secretary*

DAVID H. WIGGS, *General Manager*
FRANK SALAS, *Chief Operating Officer*

July 31, 2003

Mr. Juergen Vespermann
Environmental Planning
2015 East Shields Avenue, Suite 100
Fresno, CA 93726

Dear Mr. Vespermann:

Subject: Initial Study/Environmental Assessment
Independence Four-Lane Widening Project

The Los Angeles Department of Water and Power has the following comments and concerns on potential impacts regarding the State of California Department of Transportation's above-noted highway widening project on U.S. Highway 395:

- Mitigation is noted, so why is this not a Mitigated Negative Declaration?
- Scientific names for willow should be inserted with common names.
- Shouldn't a list of State species of concern, threatened and endangered be noted?
- Levy family members are current residents of the Owens Valley. Have they been contacted regarding their family cemetery?

Thank you for the opportunity to comment on your project. If you have any questions regarding these comments or concerns, please write to this office at 300 Mandich Street, Bishop, California 93514-3449, attention Real Estate, or you can reach the Real Estate office by phone at (760) 873-0370.

Sincerely,

Gene L. Coufal
Manager
Aqueduct Business Group

c: Mr. Bryan Winzenread
Real Estate

Water and Power Conservation ...a way of life

111 North Hope Street, Los Angeles, California ☐ Mailing address: Box 51111, Los Angeles 90051-0100
Telephone: (213) 367-4211 Cable address: DEWAPOLA FAX: (213) 367-3287

Recyclable and made from recycled waste.



Response 1: The document type for the Independence project is a Mitigated Negative Declaration. Caltrans refers to mitigation in the Negative Declaration as well as throughout the Environmental Assessment/Initial Study.

Response 2: The environmental document was changed to include the scientific names of the various willow species mentioned:

- narrow leaf willow - *Salix exigua*
- red willow - *Salix laevigata*
- goodding's willow - *Salix gooddingii*

Response 3: The Natural Environment Study contains a list of all special-status species in the project study area. The complete list was too comprehensive to be shown in the Environmental Assessment/Initial Study and is shown only in the technical document.

Response 4: Yes. Mrs. Arlene Pearce contacted Caltrans a number of times throughout the process and was provided with a map and further proposed access information in regard to the Jewish Cemetery.

Comments Received from the Inyo County Local Transportation Commission

INYO COUNTY LOCAL TRANSPORTATION COMMISSION

P.O. DRAWER Q
INDEPENDENCE, CALIFORNIA 93526
(760) 878-0201
(760) 878-2001 FAX

July 7, 2003

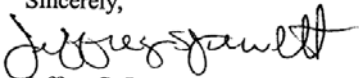
Mr. Tom Hallenbech, District Director
State of California
Department of Transportation
500 S. Main St.
Bishop, CA 93514

Dear Mr. Hallenbech:

At the June 18, 2003 meeting of the Inyo County Local Transportation Commission, I was instructed to send a letter to Caltrans District Nine asserting the Commission's position regarding the Independence Four-Lane Project and parking along Highway 395. The Commission is requesting that parking along Highway 395 in Independence should remain and that no parking spaces should be eliminated.

It is our understanding that, at this time, the preferred alternative for this project has not been chosen. It is hoped that the consensus of the Local Transportation Commission will be considered when making the decision.

Sincerely,



Jeffrey S. Jewett
Executive Director

Cc: Local Transportation Commissioners

CAL. TRANS. DIST. 9
2003 JUL - 8 PM 1:02

Response: Comment noted.

Comments Received through E-mail

From Robert A. Pearce:

Comment:

Dear Mr. Vespermann:

I am writing concerning language in the Initial EA regarding the Jewish Cemetery located north of Independence and west of the proposed project.

In regard to eligibility for listing on the NRHP our family is not comfortable with the statement "These two resources are not associated with any person or event beyond the local level of importance under criterion (a) and (b) and their potential for yielding historical information as defined by criterion (d) is extremely unlikely." (page 30).

Criterion a, b, c, and d are as follows:

(a) A religious property deriving primary significance from architectural or artistic distinction or historical importance; or

(b) A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or

(c) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life.

(d) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; I would argue a, c, and d apply to the cemetery.

Jewish families in the west significantly contributed to the development of the west and our ancestors in Independence were no different. In 1972 the late Dr. Robert Levinson from San Jose State came to Inyo County to specifically visit the Jewish Cemetery. He was at the time president of the Commission for the Preservation of Jewish Cemeteries in the West. The Levy family Jewish Cemetery is the only California Jewish Cemetery east of the Sierra Nevada Mountains.

In addition several articles have been written in the Western States Jewish History (published by the Western States Jewish History Association) about Jewish families and settlement in the Owens Valley. There have been several articles about my family in the publication. Articles I could find related to Owens Valley Jewish Families include:

January 1990. A Wedding at Independence, California in 1867. pg 112, **Picture of Mark Levy (buried in the Independence Cemetery page 184**

April 1988. Henry Levy and Family and the Independence Hotel. Pg 214

October 1986. Isaac Harris Family of Independence, Inyo County, California. Pg 32

April 1987. Louis Joseph of Big Pine, California. Pg 195. My great grandmother Levy's brother).

The point of the above discussion is to illustrate the regional importance of the cemetery. Our concern is that the cemetery receives proper protection, and statements in the final EA that state the importance of the cemetery, not simply dismiss it as is done in the current language. The proposed road is coming very close to the cemetery and the right of way will put Cal Trans control of property even closer to the cemetery, both are concerns to my family.

My mother had been in contact with the local Cal Trans office and was told she would be notified of the SHPO determination, and she never was. Had not several friends contacted us about the Initial EA our family would have missed the comment period completely.

I doubt that anyone provided SHPO with a full history of the cemetery and the people who are buried there. I would like Cal Trans revisit the listing of the cemetery as a NRHP before the final EA is published and the project proceeds.

Buried in the cemetery are:

Hulda Levy and child, first wife of Henry Levy (died in child birth)

Mark Levy. Oldest son of Henry and Mary Levy. Died of Whooping Cough at age 7 in 1884.

Joseph Levy. Son of Henry and Mary Levy, drowned in Owens River age 17 in 1900.

Mrs. Woods, sister of Hulda Levy

Unmarked graves of Woods Children.

Additionally, Bart dela Cruza (Bishop Cal Trans) told my mother in a letter in 1999 that no additional right-of-way would be needed in the area of the cemetery. In the initial EA it states that about 60 acres of right-of-way will be needed, but no map shows where the new right-of-way will be. We would like to know if it is adjacent to the cemetery. Mr. dela Cruza also stated the in the letter that the cemetery would not be disturbed. We wish to assurance in the final EA that the cemetery will not be disturbed. Also, for the record we request that access to the cemetery remain as it is now (directly from 395).

Sincerely,

Robert A. Pearce, Ph.D.

Hard copy with enclosures to follow

Response: The Levy cemetery has experienced multiple intrusions due to its being located literally on U.S 395, and its potential for yielding historical information, as defined by criterion d, is extremely unlikely. Therefore, the cemetery is not eligible for inclusion on the National Register of Historic Places at the local level of significance. Additionally, this resource was evaluated in accordance with Section 15064.5(a)(2)-(3) of the CEQA Guidelines, using the criteria outlined in Section 5024.1 of the California Public Resources Code, and determined not to be a historical resource for the purposes of CEQA. The State Historic Preservation Officer concurred with Caltrans' determination on March 20, 2002 (see APPENDIX C). Caltrans does not plan to "revisit the listing of the cemetery as a NRHP before the final EA is published and the project proceeds" after receiving the State Historic Preservation Officer's concurrence on the above call.

Nevertheless, even though the cemetery is not eligible for the National Register of Historic Places, the proposed project would have no impact on the cemetery; the edge of pavement would be between 24.7 meters and 26.5 meters (81 feet and 87 feet) away from the fence of the cemetery. In addition, access would continue to be at approximately the same location as today from a dirt road. The exact location would be determined during the detailed design phase of this project in close coordination with the property owner.

From: Andrew Kirk

Comment: I support Alternative 2b for the Independence Four-Lane for the following reasons:

1. There are businesses in town that have no off-street parking;
2. Since traffic hardly slows down through our town, the parking lanes allow pedestrians to feel safer.

Response: Comment noted.

Rich White, President, Independence Chamber of Commerce

Comment:

Independence Chamber of Commerce
P O Box 397
Independence, CA 93526

July 31, 2003

Via E-Mail to: juergen-vespermann@dot.ca.gov

Caltrans, Environmental Planning
Attention: Juergen Vespermann
2015 E. Shields Ave., Suite 100
Fresno, CA 93726

SUBJECT: Comments to the “Independence Roadway Project”
Initial Study/Environmental Assessment [KP113.1 to 122.5 (PM 70.3/76.1)]

1

The Independence Chamber of Commerce submits the following comments for the above project:

Alternative 2b, should be the chosen alternative, which allows parking to remain on the highway.

The Context Sensitive Solution is to allow parking to remain on the main street to maintain the viability of the business district and community.

Note: Alternative 2a and 2b are the same in construction costs and have the same right of way requirements and costs.

2

U.S. Highway is the main street of the Independence Community. If parking is removed from the highway there will be a devastating financial effect on the current business community and prevent new business from opening. Any new business would not be able to comply with the business parking requirements of Inyo County.

Alternative 2a is showing an impact (Table S-2) for parking of 70 on-street parking spaces in the business district being displaced, with a total of 120 parking spaces total through out the main street. Table S-3 Mitigation indicates mitigation is not necessary as this is a minor impact. Removal of all of the parking spaces on highway (the main street) is not a minor impact. Case in point is the removal of part of the parking on the main street business district of Bishop has impacted the business community, this according to business owners, even though off-street parking was provided during that improvement project.

Page 2

In Section 3.4.3 Community Impacts indicates no mitigation is “suggested” because it “would not likely help any of the businesses ... due to the unavailability of centrally located properties (for parking).”

Caltrans, publication “Main Streets: Flexibility in Design and Operations” indicates (page 7), “On-street parking may have a traffic calming impact. While parking is necessary to support business and main street uses,...” parked vehicles should not obstruct intersections. In this publication Caltrans recognizes the necessity of parking for businesses and the community.

3

Table 1.2.1: Traffic Data (page 6), draws conclusions for the traffic *through* the community of Independence for the 2026 horizon date at LOS D, by using information based on the entire project, this conclusion is in error (see Section 1.2.2). That is, Table 1.2.3 shows immediate improvement to LOS A in the area of the two lane highway outside the community once the four lane highway is completed. The four lane highway will not be backed up during peak time and the traffic will have the ability to flow evenly. The even flow will continue through the community not reducing the projected level of service within the community. Therefore, whether or not parking remains, there will be a minimal affect on the traffic flow coming onto the main street. This conclusion is confirmed in the “Proposed Project Alternatives” page 11 which shows both Alternative 2a (with out parking) and Alternative 2b (with parking) would provide the same Level of Service, as stated in both alternatives.

“This alternative [*referring to Alternatives 2a and 2b*] maximizes the purpose and need by providing a Level of Service A through (emphasis added) Independence until the year 2020 while minimizing potential environmental impacts.” (Page11)

4

Left Hand Turn Lane (Community Impacts Page 32)

The idea that a left hand turn lane can become a “refuge when crossing U.S. 395 outside of marked street crossings” is not viable. To encourage pedestrians, young and old, to stand in the middle of the highway while traffic is moving at least 35 mph on both sides of the pedestrian needs to be re-thought as a justification for a left turn lane.

Thank you for the opportunity to comment on this important project for Independence. Please contact the Chamber if you have any questions or comments. The Chamber and its members look forward to continued involvement in this project to meet the goal of having a main street that is an economic, social and cultural asset as well as a highway.

Sincerely,

Rich White, President

Response:

1. It was noted that the Independence Chamber of Commerce supports Alternative 2b.
2. During the course of the studies for the Community Impact Assessment, parking patterns and use throughout the community of Independence were determined and reviewed. Even though the referenced publication “Main Streets: Flexibility in Design and Operations” states that on-street parking may have a traffic-calming effect and is necessary for businesses and the community, observations indicated on four occasions that an average of five vehicles had parked in the central business area on U.S. 395. Of these 20 vehicles (five vehicles on 8-23-99 at 11:00 a.m.; eight vehicles on 8-23-99 at 12:30 p.m.; three vehicles on 9-27-99 at 4:00 p.m. and four vehicles on 9-28-99 at 9:00 a.m.), a total of 5 vehicles were actually parked in front of businesses. All other vehicles parked in front of the courthouse, Inyo County Motor Pool and the post office. At the same time, parking was available on every side street, behind the courthouse and in other areas in close walking distance of businesses. These observations and studies indicated that on-street parking on U.S. 395 is not being heavily used, and the removal of on-street parking would only cause minor inconveniences to some customers. In addition, parking pressure on residential areas is not expected to increase because there is no existing heavy use of U.S. 395 on-street parking. This supports the assumption that the removal of on-street parking would not affect businesses in Independence.

In comparison, the situation in Bishop was different due to the heavy business and tourist traffic.

3. Level of Service (LOS) for a class I facility (U.S. 395) is determined by both average travel speed (miles per hour) and flow rate (passenger cars per hour per lane). Since average travel speed is an attribute of the calculated LOS, the Independence Four-Lane project must be separated into two segments for LOS analysis: one for the community of Independence for 25 mph and one for outside the community of Independence for 65 mph.

Thus, two LOS calculations were performed. The results for the community of Independence are shown in Table 1.2.2; the results for the areas outside of Independence are shown in Table 1.2.3 of the environmental document. These tables should not be compared, as the parameters of the calculations for each are different.

The statement that the four-lane highway will not be backed up during peak times and the traffic will have the ability to flow evenly is true for the open highway areas. However, once traffic reaches the transition zone into Independence, speeds are reduced and directly affect flow. If parking remains without a two-way left-turn lane, a single vehicle in the number 1 lane (the lane closest to the center) attempting to make a left turn would severely affect flow by restricting vehicles behind it; this would reduce average travel speed and ultimately result in an LOS of D in the year 2026. If parking is eliminated and a two-way left-turn lane is installed, the left-turn movement would allow for vehicles in the number 1 lane to flow freely and would not impede the average travel speed. Therefore, with the two-way left-turn lane, the LOS for year 2026 would be C, since left-turn movements would not affect average travel speed.

4. The suggestion that pedestrians could find refuge in the two-way left-turn lane when crossing U.S. 395 outside of a marked crosswalk was not meant to be an encouragement to people to

do that nor a justification for the installation of a two-way left-turn lane. It was only meant as an added benefit of a two-way left-turn lane already in place.

Comments Received by Phone

Gerald Sedoo on July 21, 2003 at 9:00 a.m.

Comment: Mr. Sedoo stated that he owns property north of Dehy Park, prefers Alternative 2b and would not want to see a sidewalk installed north of Independence Creek.

Response: Comment noted.

Arlene Pearce on July 24, 2003 at 11:00 a.m.

Comment: Mrs. Pearce voiced concern about impacts to the Jewish cemetery and existing access. In addition, Mrs. Pearce disagreed with the Caltrans determination that the cemetery is not eligible for the National Register of Historic Places and asked for written confirmation that the cemetery would not be affected.

Response: Caltrans sent a map to Mrs. Pearce on July 30, 2003 showing the roadway design in the vicinity of the Jewish cemetery and stated in the accompanying letter that the cemetery should not be affected and access would continue to be provided in the future. Caltrans would work with the Independence Cemetery District to determine its exact location. In addition, information was provided on Caltrans' determination on the ineligibility of the cemetery for inclusion in the National Register of Historic Places. The State Historic Preservation Officer agreed with Caltrans' determination in a letter on March 20, 2002 (see APPENDIX C). Also see the following pages.

DEPARTMENT OF TRANSPORTATION

2015 EAST SHIELDS, SUITE 100
FRESNO, CA 93726
TDD (559) 488-4066
OFFICE (559) 243-8171
FAX (559) 243-8220



July 30, 2003

09-INY 395 PM 70.3/76.1
EA 09-214800

Arlene Pearce
311 Vista Road
Bishop, CA 93514

Dear Mrs. Pearce:

The California Department of Transportation (Caltrans) and the Federal Highway Administration are proposing to widen U.S. 395 from two to four lanes in and near the Town of Independence from 4.3 km (2.7 miles) south of Mazourka Canyon Road to 0.6 kilometer (0.4 miles) north of Shabbell Lane. The proposed project would increase capacity to meet present and future traffic demands, improve safety and provide route continuity.

Enclosed you will find some additional information in regards to Caltrans' determination that the Jewish Cemetery in Independence is not eligible for the National Register of Historic Places and a map depicting the future access to the cemetery. The cemetery should not be impacted by construction of this project and access will be provided as shown in the attachment.

If you have any questions or further concerns, please call me at (559) 243-8171 or e-mail: Juergen.Vespermann@dot.ca.gov.

Sincerely,

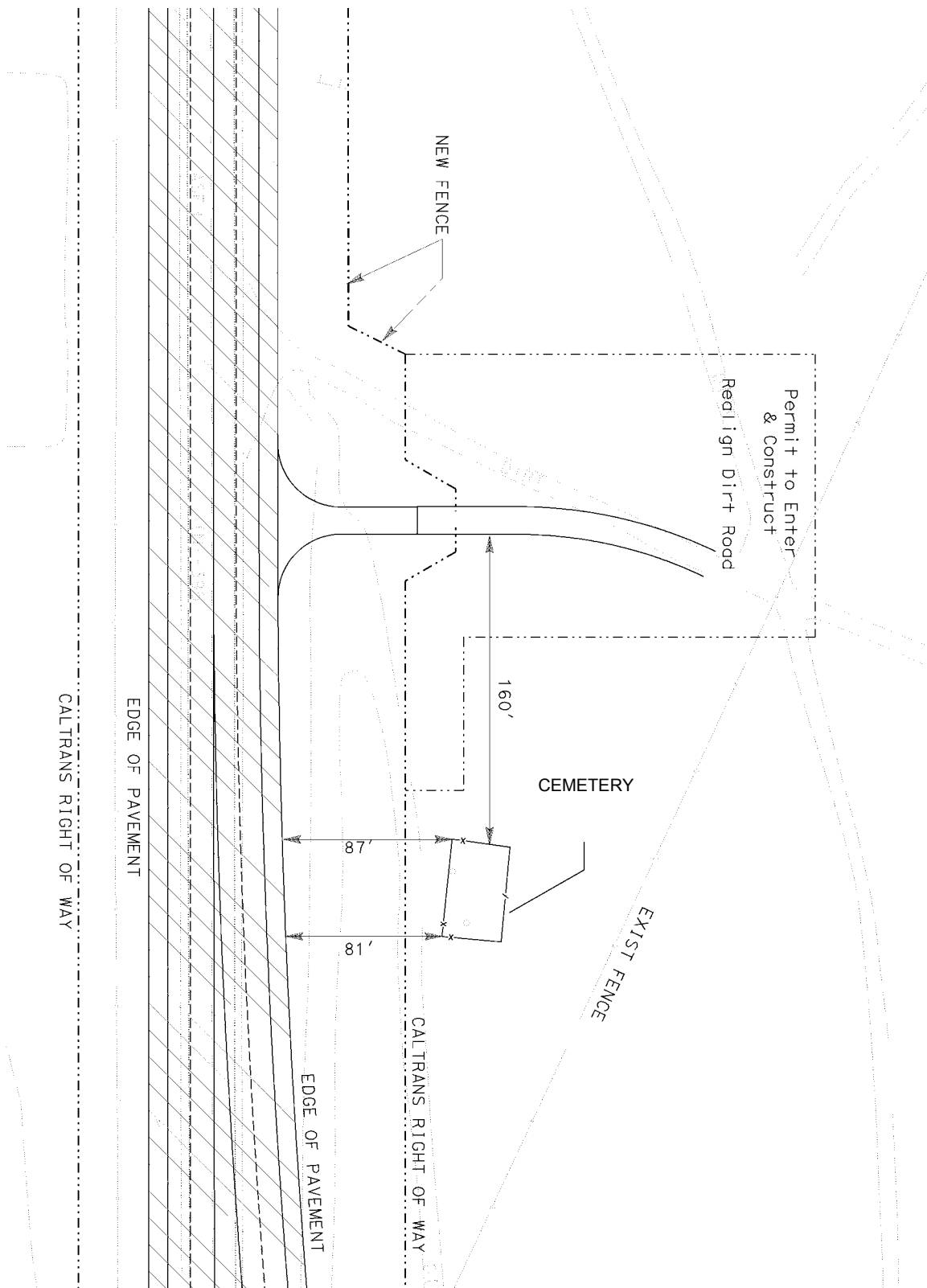
Juergen Vespermann
Associate Environmental Planner
Southern Sierra Environmental Analysis Branch
Enclosure

The Levy Family Cemetery

The Levy Family Jewish Cemetery is a 1.25-acre plot of land intersected by Highway 395 and adjacent to the Independence Airport north of downtown Independence. The actual burials appear to be concentrated in the portion of the property on the western side of the highway. This area of open, treeless landscaping, is secured with a chain-link fence and, from visual observation, contains five grave stones, three memorializing members of the Levy family and two memorializing “Johanna Wood...Native of Gollub, Germany” and the infant son of J. and S. Elkeles. The cemetery is presently under the jurisdiction of the Independence Cemetery District. The Sierra Nevada Mountains in the background and panoramic desert landscapes on its western and northern flank frame the cemetery.

This cemetery is located on Highway 395 just north of Independence across the highway from the town's airport. The 1.5-acre cemetery is a rectangular plot that is secured by a chain-link fence. It was named for Henry Levy, the owner/founder of the Independence Hotel, a business operated by the Levy family in Independence for 70 years. Levy arrived in Inyo County around 1874 and began his business as the “Miners’ Hotel and French Restaurant” in 1875. The name of Levy’s establishment clearly indicated that he expected to benefit from Inyo County’s mining boom of the 1870s. Such a boom was underscored by the rich ore from Cerro Gordo, southeast of the town of Independence. By 1899, Levy had renovated his hotel property and reopened its doors as the New Independence Hotel. The local residents simply called the hotel “Levy’s.” On May 11, 1884, Mark Levy, Henry’s first son died. On July 1, 1900, Joseph Levy, Henry’s second son, drowned in the Owens River. These two sons have headstones, along with another Levy family member [whose first name is undecipherable]. Mark Levy’s 1884 headstone is the earliest in the small plot and we can assume that the cemetery was established in the early 1880s. The Levys sold the hotel in 1944. Writing about the Independence Hotel in the Inyo Independent, December 26, 1947, writer Dorothy C. Cragen indicated that the hotel had “changed hands three times since the Levys sold it in 1944.” A pioneering entrepreneurial family in the Owens Valley, the Levys contributed to the building of Independence and the Levy Family Cemetery derives its significance from its association with the Levys and early commercial activities in the town. The fact that the Levy Family Cemetery is a Jewish cemetery is relevant to the general presence and role of Jewish settlers in the west. This area of California ethnic history is not of general knowledge, even among scholars. The Levy Family Cemetery, sited on the opposite end of town from the location of the Independence town cemetery, is a rare example of a vital type of resource. The cemetery provides evidence of Jewish participation in western American development, particularly in the Owens Valley, and doubtless adds still another level of documentation that inevitably will culminate in a more definitive and comprehensive view of this participation. Historian Robert E. Levinson has pointed out the significance of Jewish cemeteries in the west and California: “By 1876 there were 21,465 Jews in the eleven western states and territories, excluding Alaska and Hawaii. The religious and cultural institutions they established were, for the most part, synagogues, benevolent societies (B’nai B’rith, Kosher Shel Barzel, local societies), and cemeteries. In smaller cities the extent of Jewish communal organization was the establishment of a cemetery and a benevolent society that maintained the cemetery and dispensed charity. Jewish cemeteries are still extant in towns where only a few Jewish families reside today: Nevada City, Grass Valley, Placerville, Jackson, Mokelumne Hill, Sonora, Shasta, Marysville, Oroville, Folsom, and Visalia, California; Albany and Jacksonville, Oregon; Olympia, Washington- -towns and cities that formerly had active Jewish communities. In these small towns in the nineteenth century, individual Jews joined nonsectarian lodges, became naturalized citizens, engaged in local politics, voted, served on juries, sponsored dances and other entertainments, and advertised in the newspapers.” Be that as it may,

the Levy cemetery has experienced multiple intrusions due to its being located literally on Route 395 and its potential for yielding historical information, as defined by Criterion D, is extremely unlikely. Therefore, the cemetery is not eligible for inclusion on the National Register of Historic Places at the local level of significance. Additionally, this resource was evaluated in accordance with Section 15064.5(a)(2)-(3) of the CEQA Guidelines, using the criteria outlined in Section 5024.1 of the California Public Resources Code, and determined not to be a historical resource for the purposes of CEQA. The State Historic Preservation Officer concurred with Caltrans' determination on March 20, 2002.



Location of Jewish Cemetery in Relation to Future U.S. 395



APPENDIX J: SHPO Concurrence Letter on Findings of Adverse Effects

STATE OF CALIFORNIA – THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax: (916) 653-9824
calshpo@ohp.parks.ca.gov
www.ohp.parks.ca.gov



March 3, 2004

REPLY TO: FHWA010601A

David A. Nicol, Acting Division Administrator
Federal Highway Administration
California Division
650 Capitol Mall, Suite 4-100
SACRAMENTO CA 95814

Re: Finding of Adverse Effect for the Independence Four-Lane Upgrade Project, U.S. 395,
Inyo County.

Dear Mr. Nicol:

I am in receipt of an August 4, 2003 letter, Draft Finding of Effect (DFOE) document, Draft Memorandum of Agreement (DMOA), and Treatment Plan for the Independence Four-Lane Upgrade project on U.S. 395 (Post Miles 70.3 to 76.1) in Inyo County. The proposed project would upgrade the nearly 6-mile long portion of U.S. 395 from a two-lane to a four-lane facility. This would involve the construction of two additional traffic lanes parallel to the existing highway to the north and south of town with roadway improvements within town. In my letter of December 27, 2002 I concurred with FHWA's determinations of the eligibility of eight pre-1957 architectural properties for inclusion on the National Register of Historic Places (NRHP). In my letter of March 22, 2003, I concurred with FHWA that six archeological sites were eligible for inclusion on the NRHP.

FHWA is seeking my comments on its finding regarding the effects the proposed project will have on the aforementioned historic properties in accordance with 36 CFR 800, regulations implementing Section 106 of the National Historic Preservation Act. A review of the submitted DFOE documentation leads me to concur with FHWA's finding that the proposed project, as described, will have an adverse effect on the aforementioned historic properties.

Regarding the proposed treatment of adversely affected archeological properties CA-INY-5397/H, CA-INY-5757, CA-INY-5759, CA-INY-5761, and CA-INY-5763, I do not object to the Treatment Plan proposed by FHWA to in part resolve the undertaking's adverse effects on these properties. I will also provide FHWA, at a later date, my comments on the content of its draft MOA.

Thank you again for seeking my comments on your project. If you have any questions, please contact staff historian Clarence Caesar by phone at (916) 653-8902, or by e-mail at ccae@ohp.parks.ca.gov.

Sincerely,



Dr. Knox Mellon
State Historic Preservation Officer

APPENDIX K: Memorandum of Agreement Between FHWA and SHPO

**MEMORANDUM OF AGREEMENT
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION
AND THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE INDEPENDENCE FOUR-LANE UPGRADE PROJECT
ON U.S. HIGHWAY 395 BETWEEN KILOMETER POST 113.1 AND 122.8 (PM 70.3/76.1)
INYO COUNTY, CALIFORNIA**

WHEREAS, the Federal Highway Administration (FHWA) has determined that widening and upgrade of U.S. Highway 395 between kilometer post 113.1 and 122.8 (Postmile 70.3/76.1) in Inyo County, California (Undertaking), will adversely effect archaeological sites CA-INY-5757, CA-INY-5759, CA-INY-5761, and CA-INY-5763, and may adversely affect archaeological sites CA-INY-5397/H and CA-INY-5764, properties determined, by consensus, to be eligible for listing in the National Register of Historic Places (National Register) (historic properties); and

WHEREAS, FHWA has consulted with the California State Historic Preservation Officer (SHPO) in accordance with 36 CFR 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) (NHPA), and has notified the Advisory Council on Historic Preservation (ACHP) of the adverse effect finding pursuant to 36 CFR §800.6(a)(1); and

WHEREAS, FHWA, in consultation with the SHPO, has thoroughly considered alternatives, has determined that adverse effects to archaeological sites CA-INY-5757, CA-INY-5759, CA-INY-5761, and CA-INY-5763 cannot be avoided, that implementation and completion of the treatment prescribed in Stipulation I.A. of this Memorandum of Agreement (MOA) will satisfactorily take into account the Undertaking's adverse effects on these historic properties, and that it is in the public interest to take the Undertaking's effect on these sites into account through the recovery of significant information from these sites; and

WHEREAS, FHWA, in consultation with the SHPO, has determined that the Undertaking may adversely affect site CA-INY-5764, but that implementing and enforcing the measures set forth in Stipulation I.B. of this MOA will satisfactorily avoid potential adverse effects of the Undertaking to this historic property; and

WHEREAS, FHWA, in consultation with the SHPO, has determined that the Undertaking's effect on archaeological site CA-INY-5397/H will be confined to those portions of the site that do not contribute to its National Register eligibility, and that any potentially adverse effects to the remaining portions of the site (Locus 1) will be satisfactorily avoided by implementing and enforcing the measures set forth in Stipulation I.C. of this MOA; and

WHEREAS, The California Department of Transportation (Department) participated in the consultation and has been invited to concur in this MOA; and

WHEREAS, FHWA has consulted with the Fort Independence Paiute Tribe (Tribe) regarding the proposed Undertaking and its effect on historic properties, will continue to consult with the Tribe, and will afford the Tribe, should the Tribe so desire, the opportunity to participate in the implementation of this MOA and the Undertaking;

NOW, THEREFORE, FHWA and the SHPO agree that the Undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the Undertaking on historic properties and further agree that these stipulations shall govern the Undertaking and all of its parts until this MOA expires or is terminated.

STIPULATIONS

FHWA shall ensure that the following measures are carried out:

I. TREATMENT OF HISTORIC PROPERTIES

- A. FHWA shall ensure that the adverse effect of the Undertaking on archaeological sites CA-INY-5757, CA-INY-5759, CA-INY-5761, and CA-INY-5763, is resolved in part by implementing and completing the *Treatment Plan For Five Archaeological Sites Near Independence, Inyo County, California* (IN-5757, IN-5761, IN-5763) (Treatment Plan), which is Attachment 1 to this MOA.
- B. FHWA shall ensure that the potentially adverse effect of the Undertaking on archaeological site CA-INY-5764 is avoided by establishing an Environmentally Sensitive Area (ESA) around the site and by ensuring that all construction phases of the Undertaking are monitored by a person or persons who at a minimum meets the Secretary of Interior's *Professional Qualifications Standards* (48 FR 44738- 39) (PQS – See definition of "PQS" in Stipulation VI.A.1., below) for archaeology. An ESA shall consist of a physical barrier that shall remain in place during all phases of construction and that shall be described in information included in the final construction plans for the Undertaking.
- C. FHWA shall ensure that the potentially adverse effect of the Undertaking on Locus 1 of archaeological site CA-INY-5397/H is avoided by establishing an Environmentally Sensitive Area (ESA) around the site and by ensuring that all construction phases of the Undertaking are monitored by a person or persons who at a minimum meets the Secretary of Interior's *Professional Qualifications Standards* (48 FR 44738-39) (PQS – See definition of "PQS" in Stipulation VI.A.1., below) for archaeology. An ESA shall consist of a physical barrier that shall remain in place during all phases of construction and that shall be described in information included in the final construction plans for the Undertaking.

II. NATIVE AMERICAN CONSULTATION

FHWA has consulted with the Tribe regarding the proposed Undertaking and its effect on historic properties, will continue to consult with the Tribe, and will afford the Tribe, should the Tribe so desire, the opportunity to participate in the implementation of the MOA and the Undertaking. Such participation may include, but is not necessarily limited to, monitoring during any archaeological fieldwork prescribed in Stipulation I., and during the implementation of the Undertaking. Should the Tribe agree to participate as herein set forth, FHWA will make an effort to reach a mutually acceptable agreement with the Tribe regarding the manner in which the Tribe will participate in the implementation of this MOA and the Undertaking, and regarding any time frames or other matters that may govern the nature, scope, and frequency of such participation.

III. TREATMENT OF HUMAN REMAINS OF NATIVE AMERICAN ORIGIN

The parties of this MOA agree that Native American burials and related items discovered during implementation of the terms of the MOA and of the Undertaking will be treated in accordance with the requirements of § 7050.5(b) of the California Health and Safety Code. If, pursuant to § 7050.5(c) of the California Health and Safety Code, the county coroner/medical examiner determines that the human remains are, or may be of Native American origin, then the discovery shall be treated in accordance with the provisions of § 5097.98(a)-(d) of the California Public Resources Code. FHWA will ensure that, to the extent permitted by applicable law and regulation, the views of the Tribe and the Most Likely

Descendant(s) are taken into consideration when decisions are made about the disposition of other Native American archaeological materials and records.

IV. REPORTING REQUIREMENTS

- A. Within eighteen (18) months after FHWA has determined that all fieldwork required by Stipulation I. has been completed, FHWA will ensure preparation, and concurrent distribution to the other parties and to the Tribe should the Tribe so request, of a written draft technical report that documents the results of implementing the requirements of Stipulation I.A. – C., inclusive. The reviewing parties will be afforded 30 days following receipt of the draft technical report to submit any written comments to FHWA. Failure of these parties to respond within this time frame shall not preclude FHWA from authorizing revisions to the draft technical report as FHWA may deem appropriate. FHWA will provide the reviewing parties with written documentation indicating whether and how the draft technical report will be modified in accordance with any reviewing party comments. Unless the reviewing parties object to this documentation in writing to the FHWA within 30 days following receipt, FHWA may modify the draft technical report as FHWA may deem appropriate. Thereafter, FHWA may issue the technical report in final form and distribute this document in accordance with Paragraph B. of this stipulation.
- B. Copies of the final technical report documenting the results of implementing the requirements of Stipulation I.A. – C., inclusive, will be distributed by FHWA to the other parties, to the Tribe, and to the appropriate California Historical Resources Information Survey (CHRIS) Regional Information Center, subject to the terms of stipulation VI.B.
- C. FHWA shall ensure that a written draft document that communicates in lay terms the results of implementing the requirements of Stipulation I.A. – C., inclusive, to members of the interested public, is distributed for review and comment concurrently with and in the same manner as that prescribed for the draft technical report prescribed by Paragraph A. of this stipulation. If the draft document prescribed hereunder is a publication such as a report or brochure, then such publication shall upon completion be distributed by FHWA to the other parties, to the Tribe, and to any other entity that the parties and the Tribe through consultation may deem appropriate, subject to terms of Stipulation VI.B.

V. DISCOVERIES AND UNANTICIPATED EFFECTS

If FHWA determines during implementation of the Treatment Plan or after construction of the Undertaking has commenced, that either the Treatment Plan or the Undertaking will affect a previously unidentified property that may be eligible for the National Register, or affect a known historic property in an unanticipated manner, FHWA will address the discovery or unanticipated effect in accordance with those provisions or the Treatment Plan that relate to the treatment of discoveries and unanticipated effects. FHWA at its discretion may hereunder assume any discovered property to be eligible for inclusion in the National Register. FHWA compliance with this stipulation shall satisfy the requirements of 36 CFR § 800.13(a)(2).

VI. ADMINISTRATIVE STIPULATIONS

A. STANDARDS

1. Professional Qualifications. All activities prescribed by stipulations I., III., IV., and V. of this MOA shall be carried out under the authority of FHWA by or under the direct supervision of a person or persons meeting at a minimum the Secretary of Interior's *Standards Professional Qualifications Standards* (48 FR 44738-39) (PQS) in the appropriate disciplines. However, nothing in this stipulation may be interpreted to preclude FHWA or any agent or contractor thereof from using the properly supervised services of persons who do not meet PQS.
2. Historic Preservation Standards. All activities prescribed by stipulations I., III., IV., and V. of this MOA shall reasonably conform to the *Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716-44740) as well as to applicable standards and guidelines established by SHPO.
3. Curation and Curation Standards. FHWA shall ensure that, to the extent permitted under §§ 5097.98 and 5097.991 of the California Public Resources Code, the materials and records resulting from the activities prescribed by stipulations I., III., IV., and V. of this MOA are curated in accordance with 36 CFR Part 79.

B. CONFIDENTIALITY

The parties to this MOA and the Tribe acknowledge that historic properties covered by this MOA are subject to the provisions of § 304 of the National Historic Preservation Act of 1966 and § 6254.10 of the California Government Code (Public Records Act) relating to the disclosure of archaeological site information and having so acknowledged, will ensure that all actions and documentation prescribed by this MOA are consistent with § 304 of the National Preservation Act of 1966 and § 6245.10 of the California Government Code.

C. RESOLVING OBJECTIONS

1. Should any party to this MOA or the Tribe object at any time to the manner in which the terms of this MOA are implemented, or to any action carried out or proposed with respect to implementation of the MOA (other than the Undertaking itself) or to any documentation prepared in accordance with and subject to the terms of this MOA, FHWA shall immediately notify the other parties to this MOA and the Tribe of the objection and consult with the objecting party, the other parties to the MOA and the Tribe for no more than 14 days to resolve the objection. FHWA shall reasonably determine when this consultation will commence. If the objection is resolved through such consultation, the action in dispute may proceed in accordance with the terms of that resolution. If, after initiating such consultation, FHWA determines that the objection cannot be resolved through consultation, then FHWA shall forward all documentation relevant to the objection to the ACHP, including FHWA's proposed response to the objection, with the expectation that the ACHP will, within thirty (30) days after receipt of such documentation:
 - a. advise FHWA that the ACHP concurs with FHWA's proposed response to the objection, whereupon FHWA will respond to the objection accordingly; or
 - b. provide FHWA with recommendations, which FHWA will take into account in

reaching a final decision regarding its response to the objection; or

- c. notify FHWA that the objection will be referred for comment pursuant to 36 CFR § 800.7(a)(4), and proceed to refer the objection and comment. FHWA shall take the resulting comments into account in accordance with 36 CFR § 800.7(c)(4) and Section 110(1) of the NHPA.
2. Should the ACHP not exercise one of the following options within 30 days after receipt of all pertinent documentation, FHWA may assume the ACHP's concurrence in its proposed response to the objection.
3. FHWA shall take into account any ACHP recommendations or comment provided in accordance with this stipulation with reference only to the subject of the objection. FHWA's responsibility To carry out all other actions under this MOA that are not the subject of the objection will remain unchanged.
4. At any time during implementation of the measures stipulated in this MOA, should an Objection pertaining to such implementation be raised by a member of the public, FHWA shall Notify the parties to the MOA and the Tribe in writing of the objection and take the objection into consideration. FHWA shall consult with the objecting party and, if the objecting party so requests, with Caltrans, the Tribe, and SHPO for no more than 15 days. Within ten (10) days following closure of this consultation period, FHWA will render a decision regarding the objection and notify all consulting parties of its decision in writing. In reaching its decision, FHWA will take into account any comments from the consulting parties regarding the objection, including the objecting party. FHWA's decision regarding the resolution of the objection will be final.
5. FHWA shall provide all parties to this MOA, the Tribe, and the ACHP when the ACHP has issued comments hereunder, and any parties that have objected pursuant to paragraph 4. of section C. of this stipulation with a copy of its final written decision regarding any objection addressed pursuant to this stipulation.
6. FHWA may authorize any action subject to objection under this stipulation to proceed after the objection has been resolved in accordance with the terms of this stipulation.

D. AMENDMENTS

1. Any party to this MOA or the Tribe may propose that this MOA be amended, whereupon the parties to this MOA and the Tribe will consult for no more than 30 days to consider such amendment. The amendment process shall comply with 36 CFR §§ 800.6(c)(1) and 800.6(c)(7). This MOA may be amended only upon written agreement of the signatory parties. If it is not Amended, this MOA may be terminated by either signatory party in accordance with Stipulation V.I.E.
2. Attachment 1 may be amended through consultation among the parties and the Tribe without amending the MOA proper.

E. TERMINATION

1. If this MOA is not amended as provided for in Stipulation VLD., or if either signatory party proposes termination of this MOA for other reasons, the signatory party proposing termination shall, in writing, notify the other parties to this MOA and the Tribe, explain the reasons for proposing termination, and consult with the other parties and the Tribe for at least 30 days to seek alternatives to termination. Such consultation shall not be required if FHWA proposes termination because the Undertaking no longer meets the definition set forth in 36 CFR § 800.16(y).
2. Should consultation result in an agreement on an alternative to termination, then the parties and the Tribe shall proceed in accordance with the terms of that agreement.
3. Should consultation fail, the signatory party proposing termination may terminate this MOA by promptly notifying the other parties to this MOA and the Tribe in writing. Termination hereunder shall render this MOA without further force or effect.
4. If this MOA is terminated hereunder, and if FHWA determines that the Undertaking will nonetheless proceed, then FHWA shall either consult in accordance with 36 CFR § 800.6 to develop a new MOA or request the comments of the ACHP pursuant to 36 CFR Part 800.

F. DURATION OF THE MOA

1. Unless terminated pursuant to Stipulation VLE., or unless it is superceded by an amended MOA, this MOA will be in effect following execution by the signatory parties until FHWA, in consultation with the other parties and the Tribe, determines that all of its stipulations have been satisfactorily fulfilled. This MOA will terminate and have no further force or effect on the day FHWA notifies the other parties and the Tribe in writing of its determination that all stipulations of this MOA have been satisfactorily fulfilled.
2. The terms of this MOA shall be satisfactorily fulfilled with seven (7) years following the date of execution by SHPO. If FHWA determines that this requirement cannot be met, the parties to this MOA and the Tribe will consult to reconsider its terms. Reconsideration may include continuation of the MOA as originally executed, amendment or termination. In the event of termination, FHWA will comply with Stipulation VLE.4., if it determines that the Undertaking will proceed notwithstanding termination of this MOA.
3. If the Undertaking has not been implemented within eight (8) years following execution of this MOA by SHPO, this MOA shall automatically terminate and have no further force or effect. In such event, FHWA shall notify the other parties and the Tribe in writing and, if it chooses to continue with the Undertaking, shall reinstate review of the Undertaking in accordance with 36 CFR Part 800.

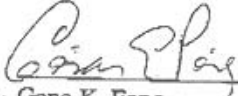
G. EFFECTIVE DATE

This MOA will take effect on the date that it has been executed by SHPO.

EXECUTION of this MOA by FHWA and SHPO, its transmittal by FHWA to the ACHP in accordance with 36 CFR § 800.6(b)(1)(iv), and subsequent implementation of its terms, shall evidence, pursuant to 36 CFR § 800.6(c), that this MOA is an agreement with the ACHP for purposes of Section 110(1) of the NHPA, and shall further evidence that FHWA has afforded the ACHP an opportunity to comment on the Undertaking and its effect on historic properties, and that FHWA has taken into account the effects of the Undertaking on historic properties.

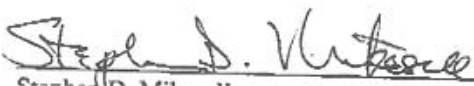
SIGNATORY PARTIES:

Federal Highway Administration


for Gene K. Fong
Division Administrator
California Division

6/16/04
Date

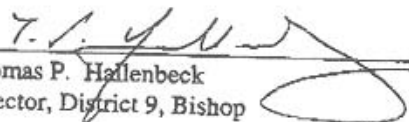
California State Historic Preservation Officer


Stephen D. Mikesell
Acting State Historic Preservation Officer

6/17/04
Date

CONCURRING PARTY:

California Department of Transportation


Thomas P. Hallenbeck
Director, District 9, Bishop

6/22/04
Date

